Newnan City Council Meeting

August 13, 2024
Newnan City Hall
Richard A. Bolin Council Chambers
25 LaGrange Street
2:30 PM

CALL TO ORDER

INVOCATION

READING OF MINUTES

A. Minutes from Regular Meeting on July 16, 2024

B. Minutes from Work Session on July 16, 2024

REPORTS OF BOARDS AND COMMISSIONS

C. 1 Appointment - Bicentennial Committee

D. 2 Appointments - Board of Zoning Appeals, 3 year terms

E. 1 Appointment - Christmas Commission, 3 year term

F. 2 Appointments - Keep Newnan Beautiful, 3 year terms

G. 1 Appointment - Tree Commission, 3 year term

H. 1 Appointment - Youth Activities Commission, 3 year term

REPORTS ON OPERATIONS BY CITY MANAGER

REPORTS AND COMMUNICATIONS FROM MAYOR

NEW BUSINESS

I. Public Hearing - Application for Alcohol Beverage License - Art and Jake's of Georgia, LLC - Retail On Premise (Pouring) Sales of Distilled Spirits, Malt Beverages and Wine - 510 Newnan Crossing Bypass - Reason: New Owner

J. Public Hearing - Application for Alcohol Beverage License - Newells Grocery - Retail Off Premise (Package) Sales of Malt Beverages and Wine - 45 Robinson St. Ste A - Reason: New Owner

K. Public Hearing (First of 3 to be held) - 2024 Millage Rate

L. Establishing a Retirement Plan Committee for the 401a and 457b plans

M. Request to Close West Broad Street on September 7th, 2024 for NURA Fall Housing Fair

N. Consideration of Design/Build Contract Award for Additional Pickleball Courts

O. Council Direction on Charter Amendment and Code of Ordinances Amendment Pertaining to Adoption of Ordinances

P. Consideration of Ordinance to Amend the Code of Ordinances, Chapter 3, Alcoholic Beverages, Sec 3-49, Persons Who Are Not Entitled to a License

UNFINISHED BUSINESS

Q. Consideration of a Resolution for Transmittal of the 2024 update to the Capital Improvements Element (CIE), which includes the Short-Term Work Program (STWP), to the Three Rivers Regional Commission (RC) and the Georgia Department of Community Affairs (DCA)

R. 5 Hamilton Bohannon Dr - Request for Extension

S. 2nd and Final Reading - Ordinance to Amend the 2023 Fiscal Year Budgets

T. 2nd and Final Reading - Adoption Agreement and General Addendum from Georgia Municipal Association for the City of Newnan's Defined Benefit Retirement Plan

VISITORS, PETITIONS, COMMUNICATIONS & COMPLAINTS

U. Clay Neely to Discuss July 4th Fireworks

MOTION TO ENTER INTO EXECUTIVE SESSION

V. Motion to Enter into Executive Session

ADJOURNMENT

CITY OF NEWNAN, GEORGIA
REGULAR COUNCIL MEETING JULY 16, 2024

The regular meeting of the City Council of the City of Newnan, Georgia was held on Tuesday, July 16, 2024 at 6:30 p.m. in the Richard A. Bolin Council Chambers of City Hall with Mayor Keith Brady presiding.

CALL TO ORDER

Mayor Brady called the meeting to order and delivered the invocation.

PRESENT

Mayor Keith Brady: Council members present: Ray DuBose, Jim Thomasson, Cynthia Jenkins, Paul Guillaume and Dustin Koritko. Absent: Rhodes Shell. Also present: City Manager, Cleatus Phillips; Assistant City Manager, Hasco Craver; Assistant City Manager, Meg Kelsey; City Clerk, Megan Shea and City Attorney, Brad Sears.

READING OF MINUTES

A. Minutes from the Regular Meeting on June 10, 2024

Motion by Councilman DuBose, seconded by Councilman Koritko to dispense with the reading of the minutes of the Regular Council Meeting on June 10, 2024 and adopt them as presented.

MOTION CARRIED. (6-0)

REPORTS OF BOARDS AND COMMISSIONS

B. 1 Appointment – Bicentennial Committee

Motion by Councilman Koritko, seconded by Councilwoman Jenkins to appoint Bob Shapiro to the Bicentennial Committee.

MOTION CARRIED. (6-0)

C. 1 Appointment – Christmas Commission, 3-year term

Continue to next agenda.

D. 1 Appointment – Convention Center Authority, 3-year term

Motion by Councilman Koritko, seconded by Councilman Thomasson to reappoint Krista Frost for another term.

MOTION CARRIED. (6-0)

E. 2 Appointments – Keep Newnan Beautiful, 3-year terms

Continue to next agenda.

F. 1 Appointment – Youth Activities Commission, 3-year term.

Continue to next agenda.

CITY MANAGER

G. Recognition of Participants in Mid-Managers Leadership Group

City Manager explained that this program was the brain child of Assistant City Manager, Hasco Craver. He developed a Mid-Managers program and there were 13 employees who participated. They learned a bit about leadership, city operations and each other. Mr. Craver and Mayor Brady handed out certificates to each participant. Jason Burdette, Lori Denney, Richard Hughes, Chad King, Scott Odom, Bryan Partin, Merridith Shirley, Jesse Branch, Sam Henriquez

Mayor Brady said it is important to continue to develop our mid management team so they can rise up.

NEW BUSINESS

H. Public Hearing – Application for Alcohol Beverage License – Grieson Trail, Inc. dba Grieson Trail Food Mart– Retail Off Premise (Package) Sales of Malt Beverages and Wine – 101 Grieson Trail – Reason: New Business

Mayor Brady opened a public hearing on the application for a Retail Off Premise (Package) Sales of Malt Beverages and Wine for Grieson Trail Food Mart at 101 Grieson Trail.

A representative of applicant was present for the hearing. No one spoke for or against the application. Mayor Brady closed the public hearing. The City Clerk advised that all the documentation had been received and everything was in order.

Motion by Councilman DuBose, seconded by Councilman Koritko to approve the application for a Retail Off Premise (Package) Sales of Malt Beverages and Wine License.

MOTION CARRIED. (6-0)

I. Public Hearing – Consideration of Request to Demolish Structure at 7B Swint Place

Mayor Brady opened the public hearing.

Bryan Partin, Chief Building Official, explained the property owners asked to demolish the structure. The house was built in 1948 and is not in a historic district. The cost to renovate would exceed 50% of the assessed value.
No one spoke for or against. Mayor Brady closed the public hearing.

Councilwoman Jenkins asked if the Historical Society or African American Heritage Museum had been contacted regarding any historical significance of the house? Mr. Partin stated no and City Manager said that staff had stopped checking with them a few years ago, as the Historical Society doesn't offer the historic preservation services anymore.

Motion by Councilman Thomasson, seconded by Councilman Koritko to approve the request to demolish as presented.

MOTION CARRIED. (6-0)

J. Public Hearing – 2024 Update to the Capital Improvements Element, including the Short-Term Work Program

Mayor Brady opened the public hearing.

Chris Cole, Senior Planner, said that this has to be adopted every year since the City charges impact fees. This will come back to Council next month for transmission approval.

No one spoke for or against. Mayor Brady closed the public hearing.

No action needed.

K. Consideration of Amendment to Resolution and Agreement Stating Use of Funds Received by the City of Newnan as a Result of the National Opioid Settlements

Hasco Craver, Assistant City Manager, explained that Council previously approved an agreement with Coweta FORCE in 2023 to receive funds from the National Opioid Settlement. The current agreement ends at the end of the calendar year. The City will continue to receive funds, possibly until 2038. The request is to extend this agreement with Coweta FORCE to continue to use these funds for their Peer Recovery Program. If Council is in support of this then Staff would come back with an extended agreement for another 5 years.

Councilman Koritko asked if settlement funds would fully fund all the way through 2038? Mr. Craver said the way the funds are received are from different payors on different schedules. He hopes to have a schedule to present to Council soon. Councilman Koritko asked if the County receives any funds? Mr. Craver said he believes they chose not to participate.

Motion by Councilman DuBose, seconded by Councilwoman Jenkins to support moving forward with the agreement extension.

MOTION CARRIED. (6-0)

L. Consideration of Amendments to the 2023 Fiscal Year Budgets per Audit

Meg Kelsey, Assistant City Manager, said the audit has been submitted to the State by the deadline. There were a few additional amendments that need to be made. The auditor will be coming to give Council a full report in August.

Motion by Councilman Thomasson, seconded by Councilman DuBose to approve the budget amendments as presented.

MOTION CARRIED. (6-0)

M. Consideration of Adoption Agreement and General Addendum from Georgia Municipal Association for the City of Newnan's Defined Benefit Retirement Plan

Ms. Kelsey explained that in January 2024 Council decided to freeze defined benefit for new employees and a 401a account was created with 10% matching funds. The City transitioned from Mission Square to Corebridge and all funds have been fully transferred. Council had asked Staff to look at offering non-vested employees, those who have not worked for the City for more than 10 years, to opt out of the defined benefit and move to the 401a. The drafted amendment includes a 60-day window starting July 17th for employees to make a one-time choice to move. Since Councilman Shell is not in attendance, an adjustment will be needed in the ordinance for the August 13th meeting.

City Attorney was consulted on how to proceed. He suggested to still vote with the recommendation of the amendment of the effective date subject to the second and final reading.

Motion by Councilwoman Jenkins, seconded by Councilman Thomasson to approve the amendment with effective date subject to the second and final reading. 2nd and Final reading 8/13/24.

MOTION CARRIED. (6-0)

N. Discussion – Post Council Retreat Topic on Concept Plan Requirements for Rezoning and Annexation Applications

Dean Smith, Senior Planner, explained that Council asked Staff after the retreat to look at concept plan requirements for rezoning and annexation applications. The current ordinance does not require that someone submit a concept plan when filing for rezoning or annexation. Mayor Brady commented he cannot recall a time when a rezoning or annexation did not have a concept plan of some sort. Mr. Smith said that there was one near Avery Park and the next agenda item does not have one.

Mr. Smith said they looked at what other jurisdictions do and require. The Planning Commission felt that the concept plan requirements need to be consistent with both rezoning's and annexations, and they should be tiered depending on the proposed use, less intense or more intense uses. The Commission also discussed how to handle applications without a concept plan. Some ideas included requiring a condition of site plan approval by the Planning Commission, which used to be in the past and having to have a public hearing for the concept plan before Council.

Council was provided a summary as well with possible concept plan requirements, under different zoning categories. Councilwoman Jenkins commented that she would like more time to look over all the details and ask questions of Staff. Council agreed with her.

Motion by Councilman Koritko, seconded by Councilwoman Jenkins to continue this to a later date.

MOTION CARRIED. (6-0)

O. Rezoning Request – RZ2024-02 by Robert Dollar for 0.48+ acres at 65 Millard Farmer Industrial Blvd (Tax Parcel N57A-091) from CGN to IHV for additional outdoor product storage – For Information Only

No action needed.

P. Consideration of Recommendation from Comprehensive Program Services for SPLOST Parks Design Professional Services

Ms. Kelsey explained that an RFQ (request for qualifications) was released for design services for the Bicentennial Park and Greenville St. Park. Staff recommends Council approve moving forward with rank order, GMC was ranked number 1 by all committee members. Negotiations are still needed with the vendor.

Motion by Councilman Thomasson, seconded by Mayor Pro Tem Guillaume to approve as presented.

MOTION CARRIED. (6-0)

UNFINISHED BUSINESS

Q. 2nd and Final Reading – Ordinance to Amend the Code of Ordinances Section 20-93, Speed Limits on Specific Streets

Motion by Councilman Koritko, seconded by Mayor Pro Tem Guillaume to adopt the ordinance as presented.

MOTION CARRIED. (6-0)

EXECUTIVE SESSION

MOTION EXECUTIVE SESSION

Motion by Mayor Pro Tem Guillaume, seconded by Councilman Koritko that we now enter into closed session as allowed by O.C.G.A. Section 50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing real estate and that we move, in open session to adopt a resolution authorizing and directing the Mayor or presiding officer to execute an affidavit in compliance with O.C.G.A. Section 50-14-4, and that this body ratify the actions of the Council taken in closed session and confirm that the subject matters of the closed session were within exceptions permitted by the open meetings law at 6:46PM. Mayor Brady recused himself due to a business relationship.

MOTION CARRIED. (6-0)

RESOLUTION/MAYOR'S AFFIDAVIT FOR EXECUTIVE SESSION

Motion by Mayor Pro Tem Guillaume, seconded by Councilman Koritko to adopt the resolution authorizing the Mayor to execute the affidavit stating that the subject matter of the closed portion of the Council was within the exceptions provided by O.C.G.A. Section 50-14-4(b).

MOTION CARRIED. (6-0)

ADJOURNMENT

Motion by Councilman Koritko, seconded by Councilman DuBose to adjourn the Council meeting at 7:03pm.

MOTION CARRIED. (6-0)

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Megan Shea, City Clerk

____
Keith Brady, Mayor

The special called work session of the City Council of the City of Newnan, Georgia was held on Tuesday, July 16, 2024 at 5:30PM in the Richard A. Bolin Council Chambers of City Hall with Mayor Keith Brady presiding.

Present

Mayor Keith Brady: Council members present: Ray DuBose, Cynthia Jenkins, Jim Thomasson, Dustin Koritko, Paul Guillaume. Absent – Rhodes Shell. Also present: City Manager, Cleatus Phillips; Assistant City Manager, Hasco Craver; Assistant City Manager, Meg Kelsey and City Clerk, Megan Shea

Call to Order

Mayor Brady called the meeting to order and delivered the invocation.

A. Presentation from Historical Concepts with Initial Concepts for Andrew Street and 57 East Projects

Ryan Yurcaba and Matt Schaefer with Historical Concepts introduced themselves. They began with a project overview, the context for the whole corridor. They showed a map of Newnan from 1911 with the areas being discussed highlighted, showing that at that time there were many small blocks in the central downtown and then they became a little larger and asymmetrical from there. Since then only a few small streets have been added.

The benefit of smaller blocks was discussed at the public meeting held on June 18th. Streets and smaller blocks give more route options to help distribute traffic, more parking options and more access to private property. More street frontage then the more opportunity for development. This all helps create a city with more density and strong identity.

During their research they also looked at the Livable Centers Initiative Report that was done in 2014. They showed a series of maps from this report illustrating building conditions, sub-standard, deteriorating and vacant properties. Sidewalks are almost non-existent on the eastern side. Another map showed owner occupied homes and mix of rentals.

Andrew St. Corridor

About a year ago Historical Concepts partnered with City Staff and had some of their interns come up with some ideas for the area. They were then asked to come back and look at this project more critically. There was a public meeting held on June 18th that was attended by business owners and homeowners around town. Image boards were looked at to get feedback on what people thought would look good in the area. The vision statement crafted from that meeting is, “The end result should be a dynamic neighborhood, blending together different uses, building styles and people groups. Green spaces and safe pedestrian/bike infrastructure should be integral and welcoming”. Words that were repeated were “friendly, eclectic and accessible”.

Elements that were discussed were residential, shops, restaurants, sufficient parking, green spaces and new life for the Mill. They showed images that people were able to vote on of different types of buildings that they would like to see. There were also written comments taken in. The top 6 images voted for were shown.

Councilman Koritko asked what "vernacular character" means? Mr. Schaefer explained that it means to be truer to the region, more humble character. Councilman DuBose asked if they were satisfied with the attendance at the meeting, the mix of people? Mr. Yurcaba said they passed out flyers just to that district and the City Manager stated that the intent was to get the property owners involved. Mr. Yurcaba said that a lot of the property involved is privately owned. He showed a map illustrating in colors the City owned, County owned, public right of way, private owned that will be included and some that will be excluded possibly. They did not design for any of the areas with functioning businesses and owner-occupied homes.

They showed their concept for infrastructure which would be a 50' right of way, northbound and southbound lanes with parking on the left side only and a 5' sidewalk and the LINC trail on the other side. Most of the right of ways already in this area are 50' right of ways. Councilman Guillaume asked about costs. Mr. Yurcaba said there was an estimate given in 2019 but those are old numbers, costs would include the purchase of the 50' right of way and all improvements outlined.

The vision plan showed principles including new buildings built close to street so they act like urban buildings, no large parking lots in front, parking in back or along the side. Retro fit old buildings, like the jail, for new uses. To the north where the stream corridor buffer is, they would love to see improvements and path connections. The residential areas they suggest pedestrian sidewalks be considered.

Councilwoman Jenkins asked about a pedestrian connection between Lee and Olive? Mr. Yurcaba said there could be a shared easement on the backs of some properties there for connection. This is just a suggestion that they illustrated. Councilman Thomasson asked if new zoning or building criteria would need to be created? Planning Director stated that additional guidelines would be needed. Mr. Yurcaba said one other suggestion was that Casey St. could connect to Andrew St. to create a block. That would require some land purchases.

57 East Broad

Mr. Yurcaba began by showing current site conditions of the property. It is a pad ready site, there are some topography issues to be addressed and there is tree canopy on the edge. They went with a similar process with this site as they did with Andrew St. They showed 4 different options with street and block breakdowns and associated cost estimates. They think extending Spring St. would be important to create a better street framework, no matter what option.

They showed a purposed framework, showing connecting Andrew St. from Broad St. to Salbide Ave. then extending Spring St. across into the site. This would create 4 blocks. They suggest sidewalk on one side and LINC connection on the other, just like Andrew St. The concept plans showed hotel space and parking deck that could help block some railroad noise. The other spaces were undefined but could be residential, commercial and office.

Councilwoman Jenkins asked about pedestrian connection to the historic black business district and the site? This could open opportunities. Mr. Yurcaba said they did consider that and it would make sense. Councilwoman Jenkins thought more pedestrian traffic and less vehicular traffic such as can be seen in England and Pike Place Market in Seattle, more interactive spaces.

Mr. Yurcaba showed an alternate option that has a larger greenspace. Then he showed some graphics of building character that Council previously expressed interest in. A full project overview showed how the two sites tie together and illustrated the planned Bicentennial Park.

Next steps, they will take feedback from Council and create a vision book with planned diagrams and 3-D drawings. They will create a technical guide and a phasing and implementation guide with insights on development controls, incentives and architectural recommendations.

ADJOURNMENT

Motion by Councilman Koritko, seconded by Councilwoman Jenkins to adjourn the meeting at 6:24PM.

MOTION CARRIED. (6-0)

____________________ ____________________
Megan Shea, City Clerk Keith Brady, Mayor

APPLICATION FOR TRANSFER OF ALCOHOL BEVERAGE LICENSE

Name: **Art and Jake's of Georgia, LLC**

Licensee: **Brenda Trpcevski**

License Representative**: Joseph Sanders**

Type License: **Retail On Premise (Pouring) Sales of Distilled Spirits, Malt Beverages & Wine**

Location: **510 Newnan Crossing Bypass**

TO THE CITY COUNCIL: REASON – NEW OWNER

(1) The above application with supporting documents and application fee has been filed in the City Clerk's office; reviewed by the appropriate departments of the City and appears to be (complete). (Sec 3-33)

If incomplete, reasons

____

(2) The citizenship requirements (have) been met. (Sec. 3-34)

If not, reasons ____

____

(3) Residency requirements (have) been met. (Sec. 3-35)

If not, reasons ____

____

(4) The location appears (to comply) with zoning requirements. (Sec 3-37)

If not, reasons ____

____

(5) The location of the proposed premises appears (to comply) with the distance requirements set forth in Sec. 3-39.

If not, reasons ____

____

(6) All taxes or other debts to the City (are) current. (Sec 3-38)

If not, reasons ____

____

(7) A publisher's affidavit (has) been filed showing the notice requirement (has) been complied with. (Sec 3-40 (a))

(8) An affidavit from the applicant certifying posting of the proposed premises (has not) been filed. (Sec. 3-40(b))

N/A

Respectfully submitted,

Megan Shea
City Clerk

APPLICATION FOR ALCOHOL BEVERAGE LICENSE

Name: **Newells Grocery (Newell 786, Inc.)**

Licensee: **Salima Devji**

License Representative**: N/A**

Type License: **Retail Off Premise (Package) Sales of Malt Beverages & Wine**

Location: **45 Robinson St. STE A**

TO THE CITY COUNCIL: REASON – NEW OWNER

(1) The above application with supporting documents and application fee has been filed in the City Clerk's office; reviewed by the appropriate departments of the City and appears to be (complete). (Sec 3-33)

If incomplete, reasons

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(2) The citizenship requirements (have) been met. (Sec. 3-34)

If not, reasons ___

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(3) Residency requirements (have) been met. (Sec. 3-35)

If not, reasons ___

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(4) The location appears (to comply) with zoning requirements. (Sec 3-37)

If not, reasons ___

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(5) The location of the proposed premises appears (to comply) with the distance requirements set forth in Sec. 3-39.

If not, reasons ____

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(6) All taxes or other debts to the City (are) current. (Sec 3-38)

If not, reasons ____

____

(7) A publisher's affidavit (has) been filed showing the notice requirement (has) been complied with. (Sec 3-40 (a))

(8) An affidavit from the applicant certifying posting of the proposed premises (has not) been filed. (Sec. 3-40(b))

N/A

Respectfully submitted,

Megan Shea
City Clerk

NEWNAN GEORGIA • CITY OF HOMES	**To:**	Mayor and Council
	Date:	August 13, 2024
	Agenda Item:	Public Hearing (First of 3 to be held) - 2024 Millage Rate
	Prepared By:	Meg Kelsey, Assistant City Manager

Purpose:
To receive comments on establishing a millage rate of 3.12 for 2024. This tentative increase will result in an increase of .525 mills and a 20.23% increase over the rollback millage rate.

Background:
Several key factors require an increased mileage rate for 2024, which include balancing the current budget, the loss of a large commercial taxpayer from digest, increasing investment to recruit and retain employees, inflationary pressures, and the desire to provide a high level of service to our residents.

Funding:
Adoption of the 3.12 millage rate will result in an approximate tax billing of $7,819,360, pursuant to the adopted City budget in January of 2024.

Recommendation:
The council will hold additional public hearings on August 19 at 11:30 and August 19 at 6:30. Final consideration and vote will be on August 19, 2024 at 6:30.

Attachments:
1. notice of tax increase
2. 07.26.24 Property Tax Increase
3. 5 year tax history

Previous Discussion with Council:

NOTICE OF PROPERTY TAX INCREASE

The Mayor and Council of the City of Newnan has tentatively adopted a 2024 millage rate which will require an increase in property tax by 20.23 percent. All concerned citizens are invited to the public hearing on the tax increase to be held at 25 LaGrange Street, Newnan, Georgia in the Council Chambers on Tuesday August 13, 2024 at 2:30 pm. Times and places of additional public hearings on this tax increase are at 25 LaGrange Street, Newnan, GA 30263 in the Council Chambers at City Hall on Monday, August 19, 2024 at 11:30 am and Monday, August 19, 2024 at 6:30 pm. This tentative increase will result in a millage rate of 3.12 mills, an increase of .525 mills. Without this tentative increase, the millage rate will be no more than 2.595 mills. The proposed tax increase for a home with a fair market value of $375,000 is approximately $79.00 and the proposed tax increase for non-homestead property with a fair market value of $375,000 is approximately $79.00.

OFFICE OF COMMUNICATIONS
Aimee Hadden
Communications Manager
ahadden@newnanga.gov

City of Newnan
25 Lagrange Street
Newnan, GA 30263
770-253-2682

Press Release

FOR IMMEDIATE RELEASE

Proposed Property Tax Increase

NEWNAN, GEORGIA, July 26 - The City of Newnan today announces its intentions to increase the 2024 property taxes it will levy this year by 20.23 percent over the rollback millage rate.
Each year, the board of tax assessors is required to review the assessed value for property tax purposes of taxable property in the county. When the trend of prices on properties that have recently sold in the county indicate there has been an increase in the fair market value of any specific property, the board of tax assessors is required by law to re-determine the value of such property and adjust the assessment. This is called a reassessment.

When the total digest of taxable property is prepared, Georgia law requires a rollback millage rate be computed that will produce the same total revenue on the current year's digest that last year's millage rate would have produced had no reassessment occurred.

The budget tentatively adopted by the City of Newnan requires a millage rate higher than the rollback millage rate; therefore, before the City of Newnan may finalize the tentative budget and set a final millage rate, Georgia law requires three public hearings to be held to allow the public an opportunity to express their opinions on the increase.

All concerned citizens are invited to the public hearings on this tax increase to be held at 25 LaGrange Street, Newnan Georgia in Council Chambers at City Hall on Tuesday, August 13, 2024 at 2:30 pm, Monday, August 19, 2024 at 11:30 am, and Monday, August 19 at 6:30 pm.

# # #

PUBLIC NOTICE

The **City of Newnan** does hereby announce that the millage rate will be set at a meeting to be held at the **Newnan City Hall on August 19th, 2024** at **6:30 p.m**. and pursuant to the requirements of O.C.G.A. § 48-5-32 does hereby publish the following presentation of the current year's tax digest and levy, along with the history of the tax digest and levy for the past five years.

CURRENT 2024 PROPERTY TAX DIGEST AND 5 YEAR HISTORY OF LEVY

City of Newnan		2019	2020	2021	2022	2023	2024
VALUE	Real & Personal	1,501,875,190	1,714,241,915	1,800,631,852	2,152,024,245	2,463,764,478	2,547,656,449
	Motor Vehicles	11,991,020	9,516,854	7,842,770	7,109,780	6,665,830	5,735,630
	Mobile Homes						2,313
	Timber - 100%						
	Heavy Duty Equipment						
	Gross Digest	1,513,866,210	1,723,758,769	1,808,474,622	2,159,134,025	2,470,430,308	2,553,394,392
	Less Exemptions	30,070,831	25,729,751	26,168,096	41,779,630	46,632,034	47,189,259
	NET DIGEST VALUE	**1,483,795,379**	**1,698,029,018**	**1,782,306,526**	**2,117,354,395**	**2,423,798,274**	**2,506,205,133**
RATE	Gross Maintenance & Operation Millage	8.7100	8.0600	8.1200	7.8700	7.2900	7.9750
	Less Rollback (Local Option Sales Tax)	4.7200	4.4200	4.5400	4.8200	4.5400	4.8550
	NET M&O MILLAGE RATE	**3.9900**	**3.6400**	**3.5800**	**3.0500**	**2.7520**	**3.1200**
TAX	**NET M&O TAXES LEVIED**	**$5,918,860**	**$6,185,920**	**$6,369,964**	**$6,457,931**	**$6,670,293**	**$7,819,360**
Net Tax $ Increase			$267,060	$184,044	$87,967	$212,362	$1,149,067
Net Tax % Increase			4.51%	2.98%	1.38%	3.29%	17.23%

NEWNAN
GEORGIA • CITY OF HOMES

To: Mayor and Council

Date: August 13, 2024

Agenda Item: Establishing a Retirement Plan Committee for the 401a and 457b plans

Prepared By: Meg Kelsey, Assistant City Manager

Purpose:
The attached resolution will authorize the Mayor and Council to create a committee known as the City of Newnan Retirement Plans Committee. The Committee will provide administrative oversight for the 401(a) plan and the 457(b) deferred compensation plans. The resolution also authorizes the approval of the bylaws for the Committee.

Background:
The Committee will consist of 5 members that are appointed by the City Manager and confirmed by the City Council. The Committee will appoint a Chairperson and a Secretary. Meetings will be held at least once each calendar quarter and must comply with the Georgia Open Meetings Act. Any changes to the Bylaws will require Mayor and Council approval.

As a point of clarification, the Retirement Committee established under the Defined Benefit program will remain.

Funding:

Recommendation:
Staff recommends approval of the resolution and the attached bylaws. The City Manager recommends the following appointments to the committee: Megan Shea, City Clerk; Chief Brent Blankenship, Police Chief; Ray Norton, Public Works Director; Damon Rosser, Fire Battalion Chief; and Meg Kelsey, Assistant City Manager.

Attachments:
1. retirement plan committee

Previous Discussion with Council:

STATE OF GEORGIA

COWETA COUNTY August 13, 2024

A RESOLUTION APPROVING APPOINTMENT OF RETIREMENT PLAN COMMITTEE

WHEREAS, the City of Newnan is a Georgia municipal corporation;

WHEREAS, the Mayor and City Council are the governing authority of the City;

WHEREAS, the City of Newnan sponsors the Retirement Plan for the Employees of the City of Newnan, Georgia (the "Defined Benefit Plan"), a frozen defined benefit pension plan that is currently administered through the Georgia Municipal Employees Benefit System (GMEBS), an agent multiple employer pension plan administered by the Georgia Municipal Association;

WHEREAS, the City of Newnan also sponsors the City of Newnan 401(a) Plan (the "401(a) Plan"), a governmental defined contribution plan, and the City of Newnan Deferred Compensation Plan (the "457(b) Plan"), a governmental eligible deferred compensation plan (collectively, the "Plans");

WHEREAS, the Mayor and City Council also wishes to establish a committee to whom to delegate investment and administrative oversight of the Plans;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and City Council hereby appoint a committee known as the City of Newnan Retirement Plans Committee (the "Committee") to discharge certain of the City's responsibilities relating to the Plans as delegated to the Committee by Mayor and City Council, including investment and administrative oversight of the Plans or otherwise contemplated by the governing plan documents for the Plans.

FURTHER RESOLVED, that the initial Committee shall consist of five (5) members appointed by the City Manager and confirmed by City Council.

FURTHER RESOLVED, that the Mayor and City Council hereby adopt and approve bylaws for the Committee, in substantially the form attached hereto, to govern the operation and duties of the Committee.

FURTHER RESOLVED, that such appropriate officers of the City of Newnan, members of the Committee, and their designees are hereby authorized and directed to take all actions and to execute and deliver all agreements, instruments, indentures and documents as they shall deem necessary or advisable to carry out the intent of the foregoing resolutions.

The above Resolutions were read and approved by the Mayor and Council of the City of Newnan, Georgia on the ____ day of ____________, 2024.

Attest:

Megan Shea, City Clerk	Keith Brady, Mayor
	Paul Guillaume, Mayor Pro Tem
Witness:	Cynthia Jenkins, Councilmember
C. Bradford Sears, Jr., City Attorney	Rhodes Shell, Councilmember
Cleatus W. Phillips, City Manager	Ray DuBose, Councilmember
	Dustin Koritko, Councilmember
	James J. Thomasson, III, Councilmember

CITY OF NEWNAN
RETIREMENT PLANS COMMITTEE BYLAWS

ARTICLE I
PURPOSE

1.1 Purpose. The purpose of the City of Newnan (the "City") Retirement Plans Committee (the "Committee") is to oversee, to the extent applicable, the administration and the investments of the City of Newnan 401(a) Plan and the City of Newnan Deferred Compensation Plan (collectively, the "Plans").

ARTICLE II
MEMBERSHIP

2.1 Membership. The Committee consists of five members appointed by the City Manager and confirmed by City Council.

2.2 Selection, Term, and Vacancies. The City Manager shall appoint the members of the Committee in writing and such appointed members shall be confirm by City Council. Committee members may be added or removed by the City Manager. Any Committee member may resign by written notice to the City Manager and to the Committee. If a Committee member ceases to be an employee of the City, his or her Committee membership shall be automatically terminated without the need for further action by the City. Vacancies in the Committee arising by resignation, removal or otherwise, shall be filled by appointment by City Manager and confirmed by City Council.

ARTICLE III
OFFICERS

3.1 Officers. The Committee shall appoint one of its members as Chairman and shall appoint a Secretary, who may or may not be a member of the Committee.

3.2 Officer Responsibilities. If the Chairman is absent from a meeting, the members present at the meeting shall elect a member to act as Chairman for the meeting.

3.3 Secretary Responsibilities. The Secretary of the Committee shall have the following duties and responsibilities:

a. To maintain a current list of the membership of the Committee;
b. To notify Committee members of meetings;
c. To coordinate and disseminate information to the members of the Committee;
d. To prepare and maintain official summaries, minutes, and records of all proceedings of the Committee;
e. To respond to requests received by the Committee under the Georgia Open Records Act;
f. To prepare prior to each meeting of the Committee an agenda of business showing all matters known in advance that are due to come up;
g. To track the educational requirements for Committee members under applicable Georgia law;
h. To provide prior notice of meetings and post agendas as required by the Georgia Open Meetings Act; and
i. To coordinate agenda items and presentations for the Committee.

ARTICLE IV
MEETINGS

4.1 Meeting Schedule. The Committee will meet regularly, at least once each calendar quarter. The Chairman or members of the Committee may call additional meetings of the Committee.

4.2 Meetings. The Committee shall meet and comply with the requirements of the Georgia Open Meetings Act and the Georgia Open Records Act.

4.3 Meeting Materials. The Secretary shall prepare a written or electronic agenda for each meeting that will be mailed or electronically transmitted with any materials supplied for the members' information one week prior to the meeting.

ARTICLE V
CONDUCT OF MEETINGS

5.1 Quorum. A majority of the Committee members shall constitute a quorum. A quorum is required to conduct the business of the Committee. A vacant position shall not be considered for purposes of determining a quorum.

5.2 Meeting Agendas. After the meeting is called to order, any member of the Committee may move to add to or delete from the agenda or move to add an item to a future meeting's agenda. Addition or deletion of any item requires the affirmative vote of a majority of the members present.

5.3 Proxies Not Authorized. Proxy voting by the members shall not be authorized, and no member of the Committee may designate a substitute to sit and act in the member's place.

5.4 Rules of Order. The Committee hereby adopts Robert's Rules of Order as its rules for the proceedings of a deliberative body; however, by a vote of the majority of the members, the Committee may suspend the applicability of Robert's Rules for a special purpose or during a certain time period for a meeting. Any reference to Robert's Rules of Order means the latest published edition of such rules at the time an issue arises with respect to such rules. An action of the Committee that is otherwise valid is not invalid because of the failure to follow Robert's Rules of Order.

ARTICLE VI
MEETING MINUTES

6.1 Minutes. The Secretary (or designee) shall take minutes of all meetings of the Committee. All minutes shall be prepared and maintained in accordance with the Georgia Open Meetings Act and Open Records Act. Minutes of a closed session meeting shall be maintained separately from minutes of the public meetings.

6.2 Approval Process. Draft minutes of each Committee meeting shall be prepared by the Secretary and provided to the members of the Committee at least five days before the next regular meeting of the Committee. Draft minutes shall be approved or corrected by vote of the Committee at the next regular meeting of the Committee. The Secretary may then cause the minutes to be published on the City's website.

ARTICLE VII
COMPENSATION AND EXPENSES

7.1 Compensation. Non-City employee members of the Committee, if any, shall serve without compensation. City employee members of the Committee who already receive full-time pay shall serve without additional compensation.

7.2 Expenses. The Committee may authorize reimbursement to members for all reasonable and proper expenses incurred in performing their duties.

ARTICLE VIII
REPORTS

8.1 Reports. The Committee shall make such other reports and disclosures as may be required by law or by the applicable plan. The Committee shall report to the Mayor and City Council at least annually.

ARTICLE IX
MISCELLANEOUS

9.1 Amendment of Bylaws. These Bylaws may be amended at any time by written action of the Mayor and City Council.

9.2 Review of Bylaws. The Committee shall periodically review and assess the adequacy of these Bylaws and recommend any desired changes to the Mayor and City Council for approval in accordance with Section 9.1.

Adopted: ______________________, 2024

To:	Mayor and Council
Date:	August 13, 2024
Agenda Item:	Request to Close West Broad Street on September 7th, 2024 for NURA Fall Housing Fair
Prepared By:	Andrew Moody, Special Projects Manager

Purpose:
To request the closure of West Broad Street between West Court Square and Brown Street for the NURA Fall Housing Fair.

Background:
This request is for a street closure of West Broad Street between West Court Square and Brown Street from 9am to 3pm. The Newnan Urban Redevelopment Agency voted and approved the creation of a housing fair to showcase the programs and services available to City residents through a variety of non-profit organizations as well as state and local governmental entities. To better align city events, Planning and Zoning staff have coordinated with the Main Street office in consideration of holding the event alongside Main Street Market Day. The event is planned to take place on September 7th, 2024.

Funding:
N/A

Recommendation:
The Council may consider closing the section of West Broad Street between West Court Square and Brown Street.

Attachments:
None

Previous Discussion with Council:
N/A

To:	Mayor and Council
Date:	August 13, 2024
Agenda Item:	Consideration of Design/Build Contract Award for Additional Pickleball Courts
Prepared By:	Meg Kelsey, Assistant City Manager

Purpose:
Consideration of awarding a construction contract to Headley Construction for the construction of additional pickleball courts at 4 Joseph Hanna Blvd. In addition, Council may consider approving the design and pre-construction costs.

Background:
A Request for Qualifications (RFQ) for Design-Build Services for the Pickleball Complex Addition Project was issued on May 14, 2024. The City received two submissions on June 18, 2024. Staff evaluated both firms and conduced interviews.

Headlley was recommended for approval for the following reasons:
1. Headley Construction was ranked 1 by all evaluation committee members for proposals and interviews.
2. Headley Construction's total proposal evaluation score was the highest among the other bidders, with a score of 381 points.
3. Headley Construction's total interview evaluation score was the highest among bidders, with a score of 285 points.

Funding:
SPLOST 2019 and 2025

Recommendation:
Comprehensive Program Services, serving as the City's owner representative and program manager, in conjunction with city staff, recommend the Mayor and Council authorize staff to move into contract with Headley Construction/Croy Engineering to provide design-build services for the Pickleball addition project. Staff received a fee proposal from Headley for Design Fees of $100,584 and pre-construction fees of $10,000. Following the completion of the design, staff will present to the Council the guaranteed maximum price for the project for final approval. .

Attachments:
1. Newnan Pickleball Addition- D-B Fee Reccommendation Letter to Council 8.6.24 Final

Previous Discussion with Council:

August 13th, 2024

Mr. Cleatus Phillips
City Manager
City of Newnan
25 LaGrange St.
Newnan, GA 30263

Re: City of Newnan Pickleball Addition- Design-Build Fee Recommendation to Council

Dear Mr. Phillips,

CPS is pleased to offer the following recommendation for Design-Build Services on the above referenced Project based on the qualifications received.

After having the Request for Qualification evaluations with the Selection Committee, CPS would recommend the City of Newnan move into contract with Headley Construction/Croy Engineering to provide design-build services for the Pickleball Addition project. CPS has also reviewed and recommend approval of the attached fee proposal provided by Headley Construction/Croy Engineering for the following services:

- Croy Engineering Design Services: **$100,584.00**
- Headley Construction Pre-Construction Fee: **$10,000.00**
    - Total: **$110,584.00**

The three main reasons for this recommendation of approval are the following:

1- Headley Construction was ranked 1 by all evaluation committee members for Proposals and Interviews.
2- Headley Construction total proposal evaluation score was the highest among the other bidders with a score of 381 points.
3- Headley Construction total interview evaluation score was the highest among bidders with a score of 285 points.

If you should have any questions, please feel free to call.

Jalen Johnson
Program Manager

cc: Eric Johnson, CEO

3368 HARDEE AVENUE
ATLANTA, GEORGIA 30341

SELECTION COMMITTEE SCORING AND OVERALL RANKING OF SUBMITTALS

SUBMITTAL TYPE: Design-Build

***** DATE FOR COMPLETION OF THIS EVALUATION: *****

Step 1- Individual Scoring based on Published Criteria

Step 2- Overall Ranking using Sum of Individual Rankings of Firms

Project: Pickleball Addition at 'The Hop'

City of Newnan, Georgia

SUBMITTING FIRMS	Sum of Individual Rankings	Group Ranking*		Rankings**	Overall Ranking of Submittals	
Headley Construction/Croy	4	1		1	Headley Construction/Croy	381
Johnson Construction Group/Pond	8	2		2	Johnson Construction Group/Pond	336

** Will not show a tie.*

*** Will show a tie.*

Project: Pickleball Addition at 'The Hop'

Member 1

	STABILITY	EXP. & QUALS	SUITABILITY	MANAGEMENT PLAN	Total Score	Ranking	Scorer Notes
Maximum Points Allowed	**15**	**40**	**25**	**20**	**Total Score**	**Ranking**	**Scorer Notes**
SUBMITTING FIRMS	▼	▼	▼	▼			
Headley Construction/Croy	14	38	24	19	95	1	
Johnson Construction Group/Pond	12	35	22	18	87	2	
Maximum Points Allowed	**15**	**40**	**25**	**20**	**100**		

Cell will turn red if value exceeds allowable score for criteria

Project: Pickleball Addition at 'The Hop'

Member 2

	STABILITY	EXP. & QUALS	SUITABILITY	MANAGEMENT PLAN			
Maximum Points Allowed	**15**	**40**	**25**	**20**	**Total Score**	**Ranking**	**Scorer Notes**
SUBMITTING FIRMS	▼	▼	▼	▼			
Headley Construction/Croy	15	38	24	19	96	1	
Johnson Construction Group/Pond	10	25	20	15	70	2	
Maximum Points Allowed	**15**	**40**	**25**	**20**	**100**		

Cell will turn red if value exceeds allowable score for criteria

Project: Pickleball Addition at 'The Hop'

Member 3

Maximum Points Allowed	STABILITY 15	EXP. & QUALS 40	SUITABILITY 25	MANAGEMENT PLAN 20	Total Score	Ranking	Scorer Notes
SUBMITTING FIRMS	▼	▼	▼	▼			
Headley Construction/Croy	14	38	24	19	95	1	
Johnson Construction Group/Pond	12	35	24	18	89	2	
Maximum Points Allowed	**15**	**40**	**25**	**20**	**100**		

Cell will turn red if value exceeds allowable score for criteria

Project: Pickleball Addition at 'The Hop'

Member 4

	STABILITY	EXP. & QUALS	SUITABILITY	MANAGEMENT PLAN			
Maximum Points Allowed	**15**	**40**	**25**	**20**	**Total Score**	**Ranking**	**Scorer Notes**
SUBMITTING FIRMS	▼	▼	▼	▼			
Headley Construction/Croy	14	38	24	19	95	1	
Johnson Construction Group/Pond	12	36	23	19	90	2	
Maximum Points Allowed	**15**	**40**	**25**	**20**	**100**		

Cell will turn red if value exceeds allowable score for criteria

Interview Evaluation

SELECTION COMMITTEE SCORING AND OVERALL RANKING OF SUBMITTALS

SUBMITTAL TYPE: Design-Build)Interviews)

***** DATE FOR COMPLETION OF THIS EVALUATION: *****

Step 1- Individual Scoring based on Published Criteria

Step 2- Overall Ranking using Sum of Individual Rankings of Firms

Project: Pickleball Addition at 'The Hop'

City of Newnan, Georgia

SUBMITTING FIRMS	Sum of Individual Rankings	Group Ranking*		Rankings**	Overall Ranking of Submittals	
Headley Construction/Croy	3	1		1	Headley Construction/Croy	285
Johnson Construction Group/Pond	6	2		2	Johnson Construction Group/Pond	233

** Will not show a tie.*

*** Will show a tie.*

Project: Pickleball Addition at 'The Hop'

Member 1

	Methodolgy Presented	Overall Fit			Total Score	Ranking	Scorer Notes
Maximum Points Allowed	**50**	**50**					
SUBMITTING FIRMS	▼	▼					
Headley Construction/Croy	48	48			96	1	
Johnson Construction Group/Pond	44	42			86	2	
Maximum Points Allowed	**50**	**50**			**100**		

Cell will turn red if value exceeds allowable score for criteria

Project: Pickleball Addition at 'The Hop'

Member 2

	Methodolgy Presented	Overall Fit			Total Score	Ranking	Scorer Notes
Maximum Points Allowed	**50**	**50**					
SUBMITTING FIRMS	▼	▼					
Headley Construction/Croy	45	48			93	1	
Johnson Construction Group/Pond	30	30			60	2	
Maximum Points Allowed	**50**	**50**			**100**		

Cell will turn red if value exceeds allowable score for criteria

Project: Pickleball Addition at 'The Hop'

Member 3

	Methodolgy Presented	Overall Fit			Total Score	Ranking	Scorer Notes
Maximum Points Allowed	**50**	**50**					
SUBMITTING FIRMS	▼	▼					
Headley Construction/Croy	48	48			96	1	Contractor had clear understanding of scope; desired outcome and project delivery method
Johnson Construction Group/Pond	40	47			87	2	Contractor did not appear to have clear understanding of delivery method; added scope
Maximum Points Allowed	**50**	**50**			**100**		

Cell will turn red if value exceeds allowable score for criteria

Exhibit D
DESIGN-BUILDER FEE PROPOSAL
(Submit in a Sealed Envelope accompanied by Detailed Itemization)

1. DESIGN FEES

Design Fees. For Design Services provided by Design-Builder as set forth in the General Requirements, Owner shall pay to Design-Builder a Design Fee. Design Fee shall be expressed below as a lump sum and include both design phase & construction contract administration phase services. Preconstruction Fee and Construction Fee in (2.A.) and (2.B.) below do not apply to Design Fees.

Design Services Fee	(Includes Design Phase & Construction Contract Administration Phase Services)	$ 100,584.00

2. DESIGN BUILDER'S FEE:

Basis of Fee. The Design-Builder's fee is the amount agreed to by both parties, which is the full amount of compensation due to the Design-Builder as gross profit, and for any and all expenses of the Project not included and identified as a Cost of the Work, provided that the Design-Builder performs all the requirements of the Contract Documents within the time limits established. (*See* General Conditions of Specified Contract.) If applicable, the fees and costs should be broken down by each site within the project.

A. PRE-CONSTRUCTION FEE:

Pre-Construction Fee. For the Pre-Construction Phase Services provided by Design-Builder as set forth in the General Conditions, Owner shall pay to Design-Builder a Pre-Construction Fee. Pre-Construction Fee shall be expressed as a percentage (%) of the proposed maximum Labor Costs and Pre-Construction Costs and Expenses associated with the Pre-Construction Phase:

Pre-Construction Fee		5 %

B. CONSTRUCTION FEE:

Construction Fee. For the construction services provided by Design-Builder as set forth in the General Conditions, Owner shall pay to Design-Builder a Construction Fee. Construction Fee shall be expressed as a percentage (%) of the Cost of the Work and Overhead Costs and Expenses.

Construction Fee		10 %

3. DESIGN BUILDER'S OVERHEAD COSTS AND EXPENSES (Preconstruction and Construction Phase Services):

A. PRE-CONSTRUCTION COSTS

The Design-Builder's Pre-Construction Design Phase Costs: The maximum amount for the Design-Builder's costs associated with the Pre-Construction Phase shall not exceed the following amounts:

		TOTAL
Maximum Labor Costs (other than design services above)	(Detailed Itemization Must Include a Breakdown of Salary and Labor Burden)	$ 10,000.00
Maximum Pre-Construction Costs and Expenses (other than design services above)	(All Other Proposed Construction Overhead Costs Not Reflected Above)	$ 0.00
	MAXIMUM AMOUNT FOR PRE-CONSTRUCTION LABOR, OVERHEAD COSTS AND EXPENSES	$ 10,000.00

B. CONSTRUCTION COSTS

The Design-Builder's Overhead Costs. The maximum amount for overhead cost is inclusive of all direct and incidental expenses including but not limited to travel, sustenance, reproduction, salaries, wages and field office expenses, and those costs listed in the General Conditions. If authorized by the Owner to proceed with Construction Phase Services, the Design-Builder will execute the work and be reimbursed for the actual costs as defined in the Contract Documents. The Maximum Overhead and Direct Expenses is inclusive of all incidental and direct expenses including but not limited to: travel, sustenance, reproduction, salaries, wages, design and field office expense, bonds, insurance and those costs listed in the Contract Documents and correctly depicted in attached Detailed Itemization.

		TOTAL
Maximum Labor Costs	(Detailed Itemization Must Include a Breakdown of Salary and Labor Burden)	$ 108,666.55
Maximum Other Overhead Costs and Expenses	(All Other Proposed Construction Overhead Costs Not Reflected Above)	$ 45,953.00
	MAXIMUM AMOUNT FOR CONSTRUCTION LABOR COSTS, OVERHEAD COSTS AND DIRECT EXPENSES	$ 154,619.55

Important – Proposers must attach detailed itemization of Proposed Project Costs and Fees, and any exceptions to the items requested above to the Design/Build Fee Proposal Form. Itemization format (of their choosing) which fully delineates specific costs, expenses and fees for design, preconstruction and construction phases, and is descriptive of all cost detail including but not limited to cost of work in-construction services, overhead, work by others, and insurance, bonds and taxes. Itemization should include a detailed breakdown of Design Builder's labor burden.

Proposer: Headley Construction Corporation
(Company name)

Project No: 24105

By: Cody Holtzclaw
(Name)

Date: July 18, 2024

Title: Vice President of Operations

To be approved at a later date- 8.6.24

Jalen Johnson

Digitally signed by Jalen Johnson
DN: C=US, E=jjohnson@cps-atlanta.com, O=CPS, CN=Jalen Johnson
Date: 2024.08.06 13:29:14-04'00'

PRE-CONSTRUCTION SUM

	Phase	Cost	Notes
1	Conceptual Design Phase	$ -	
2	Schematic Design Phase	$ 2,500.00	
3	Design Development Phase	$ 2,500.00	
4	Component Change Order/GMP/100% Construction Documents	$ 5,000.00	
	PRE-CONSTRUCTION SUM	**$ 10,000.00**	

CONSTRUCTION PHASE LABOR COSTS*

	Job Title and Employee Name	Actual Hourly Rate	Labor Burden (enter as a percent)***	Hourly Rate (includes labor burden)**	Monthly Rate** (manually enter)	Duration (months)^	Est. % of Time	Total^^	Notes
1	Project Manager (enter name in Notes)			$ -	$ -	0	100%	$ -	
2	Superintendent (enter name in Notes)	$ 36.75	51.00%	$ 55.49	$ 9,611.30	6	100%	$ 57,667.81	TBD
3	Project Administrator	$ 32.00	51.00%	$ 48.32	$ 8,369.02	6	20%	$ 10,042.83	TBD
4	Sr. PM	$ 56.00	51.00%	$ 84.56	$ 14,645.79	6	10%	$ 8,787.48	Cody Holtzclaw
5	Project Manager (enter name in Notes)	$ 41.00	51.00%	$ 61.91	$ 10,722.81	6	50%	$ 32,168.44	Andrea Reese
6				$ -				$ -	
7				$ -				$ -	
8				$ -				$ -	
9				$ -				$ -	
10				$ -				$ -	
11				$ -				$ -	
12				$ -				$ -	
13				$ -				$ -	
14				$ -				$ -	
15				$ -				$ -	
16				$ -				$ -	
17				$ -				$ -	
18				$ -				$ -	
	CONSTRUCTION PHASE LABOR COSTS TOTAL							**$ 108,666.55**	

To be approved at a later date- 8.6.24

CONSTRUCTION PHASE OVERHEAD COSTS AND EXPENSES

	Description	Number of Units ******	Unit (Lump Sum, Day, Month, etc.)	Cost per Unit*	Total ****	Notes
1	Field Office (trailer or other rented space if billed to project. Indicate location in notes.) *****	-	Month	$ 1,100.00	$ -	N/A
2	Field Office Set-Up and Demobilization	-	Lump Sum	$ 1,100.00	$ -	
3	CCS Office (trailer or other rented space if billed to project and not housed with CM)*****				$ -	
4	CCS Office Set-Up and Demobilization				$ -	
5	Temp Toilet/Holding Tank for Trailer(s)	6.00	Month	$ 375.00	$ 2,250.00	
6	Temp Power for Field Office/Trailer(s)				COW	This item will be paid out of Cost of Work
7	Temp Power Installation for Field Office/Trailer(s)				COW	This item will be paid out of Cost of Work
8	Temp Water for Field Office/Trailer(s)				COW	This item will be paid out of Cost of Work
9	Temp Water Installation for Field Office/Trailer(s)				COW	This item will be paid out of Cost of Work
10	IT (computers, internet, hardware, sofware, landline phones)	6.00	Month	$ 500.00	$ 3,000.00	
11	Cleaning for Trailer(s)	-	Month	$ 100.00	$ -	
12	Furniture for Trailer(s)	-	Lump Sum	$ 500.00	$ -	
13	Supplies for Trailer(s)	-	Month	$ 75.00	$ -	
14	Water for Consumption for Trailer(s)	-	Month	$ 40.00	$ -	
15	Postage & Shipping	1.00	Month	$ 50.00	$ 50.00	
16	Reproduction of Plans & Specs	1.00	Month	$ 100.00	$ 100.00	
17	Progress Photos	-	Month	$ 50.00	$ -	
18	Owner Project Identification Signs	1.00	Lump Sum	$ 500.00	$ 500.00	
19	Mobile Phones/Jobsite Radios	6.00	Month	$ 200.00	$ 1,200.00	
20	Project Vehicles **	6.00	Month	$ 1,254.00	$ 7,524.00	Superintendent and Project Manager
21	Fuel for Project Vehicles	26.00	Weeks	$ 150.00	$ 3,900.00	
22	Travel/Lodging				$ -	N/A
23	Payment & Performance Bond	1.00	Lump Sum	$ 15,975.00	$ 15,975.00	
24	Builder's Risk Insurance	1.00	Lump Sum	$ 1,294.00	$ 1,294.00	
25	Commercial General Liability Insurance ***	1.00	Lump Sum	$ 6,000.00	$ 6,000.00	
26	Auto Liability Insurance ***				$ -	Included in Project Vehicles
27	Umbrella/Excess Insurance ***				$ -	N/A
28	Gross Receipts Tax				$ -	N/A
29	Pollution & Professional Liability Insurance	1.00	Lump Sum	$ 4,160.00	$ 4,160.00	
30					$ -	
31					$ -	
32					$ -	
33					$ -	
34					$ -	
35					$ -	
36					$ -	
37					$ -	
38					$ -	
39					$ -	
40					$ -	
	CONSTRUCTION PHASE OVERHEAD COSTS AND EXPENSES TOTAL				**$ 45,953.00**	
	CONSTRUCTION PHASE GENERAL CONDITIONS TOTAL				**$ 154,619.55**	

To be approved at a later date- 8.6.24

To:	Mayor and Council
Date:	August 13, 2024
Agenda Item:	Council Direction on Charter Amendment and Code of Ordinances Amendment Pertaining to Adoption of Ordinances
Prepared By:	Cleatus Phillips, City Manager

Purpose:
To provide staff with direction regarding a change to the City Charter regarding the adoption of ordinances on 2nd reading.

Background:
As you are aware, the Council can only adopt an ordinance on first reading if the vote is 7-0. Any absence of a council member or any opposing vote requires a 'second reading' and final consideration at a later council meeting.

The proposed Charter Amendment would allow an ordinance to be passed on first reading provided the ordinance is duly published on the agenda and at least 4 council members vote in favor of the ordinance.

If the Council desires to pursue the Charter Amendment, staff will begin the process of advertising for formal consideration at two upcoming Council meetings.

Funding:
N/A

Recommendation:
Staff recommends that Council authorize staff to advertise and formally submit the Charter Amendment for consideration.

Attachments:
1. Article II , Chapter 2 Code of Ord. Sec. 2.32) amendment (7-22-2024)
2. Article II , Charter Sec. 2.12 (b) amendment (7-22-2024)

Previous Discussion with Council:
N/A

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF NEWNAN BY AMENDING SEC. 2-32, INTRODUCTION, ENACTMENT OF ORDINANCES, OF ARTICLE II, CITY COUNCIL OF CHAPTER 2 OF THE CODE OF ORDINANCES OF THE CITY OF NEWNAN SO AS TO PROVIDE FOR ADOPTION OF ORDINANCES UPON INTROUCTION, AND FOR OTHER PURPOSES

BE IT ORDAINED AND IT IS HEREBY ORDAINED by the authority of the Mayor and Council of the City of Newnan, that Section 2-32. Introduction, enactment of ordinances, of Article II, City Council, of Chapter 2 of the Code of Ordinances of the City of Newnan is and is hereby adopted to read as follows:

SECTION I: Sec. 2-32. Introduction, enactment of ordinances.

An ordinance may be introduced by any member of the city council and considered at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish and the provisions of this Code of Ordinances and the Charter which require the affirmative vote of four members of the city council; however, an ordinance shall not be adopted the same day it is introduced unless said ordinance is an emergency ordinance as provided for in Section 2.14 of the Charter or unless said ordinance has been published as an agenda item prepared for the regular or special meeting. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the Mayor and to each council member and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

SECTION II: All ordinances in conflict herewith are hereby repealed.

SECTION III. If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

SECTION IV. The effective date of this ordinance amending the Code of Ordinances of the City of Newnan is ___________________________, 2024.

ADOPTED by the Mayor and Council of the City of Newnan, in regular session, this _____ day of ____________________, 2024.

ATTEST:

____
L. Keith Brady, Mayor

____
Megan Shea, City Clerk

____
Paul Guillaume, Mayor Pro-Tem

REVIEWED AS TO FORM:

____
C. Bradford Sears, Jr., City Attorney

____
Cynthia E. Jenkins, Councilmember

____
Cleatus Phillips, City Manager

____
Rhodes H. Shell, Councilmember

____
Raymond F. DuBose, Councilmember

____
Dustin Koritko, Councilmember

____
James J. Thomasson, III, Councilmember

AN ORDINANCE TO AMEND THE CHARTER OF THE CITY OF NEWNAN BY AMENDING ARTICLE II, CITY GOVERNMENT, SECTION 2.12 (b), ORDINANCE FORM, PROCEDURE, SO AS TO PROVIDE FOR ADOPTION OF ORDNANCES UPON INTRODUCTION, AND FOR OTHER PURPOSES

BE IT ORDAINED and it is hereby ordained by the Mayor and Council of the City of Newnan and Georgia Code Section 36-35-3; Ga. Laws 1965, Pages 298 et seq.; Ga. Laws 1966, Pages 295 et seq.; Ga. Laws 1976, Pages 1429 et seq. that paragraph (b) of Section 2.12, Ordinance form, procedure, of Article II, City Government, of the Charter of the City of Newnan, Georgia, approved March 31, 1987, (Ga. Laws 1987 p. 5160) and as subsequently amended be and is hereby repealed in its entirety as same was specifically amended by Ordinance No. 95-26 adopted on second reading on November 14, 1995 and a new paragraph (b) of Section 2.12 of Article II is hereby added to the Charter o the City of Newnan to read as follows:

Section 2.12 (b). An ordinance may be introduced by any member of the city council and considered at a regular or special meeting of the city council. Ordinances shall be considered and adopted or rejected by the city council in accordance with the rules which it shall establish and the provisions of this Charter which require the affirmative vote of four members of the city council; however, an ordinance shall not be adopted the same day it is introduced unless said ordinance is an emergency ordinance as provided for in Section 2.14 of the Charter or unless said ordinance has been published as an agenda item prepared for the regular or special meeting. Upon introduction of any ordinance, the clerk shall as soon as possible distribute a copy to the Mayor and to each council member and shall file a reasonable number of copies in the office of the clerk and at such other public places as the city council may designate.

BE IT FURTHER ORDAINED, that all Charter provisions in conflict herewith are hereby repealed.

BE IT FURTHER ORDAINED, that the effective date of this Ordinance amending the Charter of the City of Newnan be ____________________________.

ADOPTED in open session for the first time by the Mayor and Council of the City of Newnan, this _____ day of ____________________, 2024.

ATTEST:

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L. Keith Brady, Mayor

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Megan Shea, City Clerk

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Paul Guillaume, Mayor Pro-Tem

REVIEWED AS TO FORM:

____
C. Bradford Sears, Jr., City Attorney

____
Cynthia E. Jenkins, Councilmember

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Cleatus Phillips, City Manager

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Rhodes H. Shell, Councilmember

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Raymond F. DuBose, Councilmember

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Dustin Koritko, Councilmember

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James J. Thomasson, III, Councilmember

To:	Mayor and Council
Date:	August 13, 2024
Agenda Item:	Consideration of Ordinance to Amend the Code of Ordinances, Chapter 3, Alcoholic Beverages, Sec 3-49, Persons Who Are Not Entitled to a License
Prepared By:	Cleatus Phillips, City Manager

Purpose:
To amend the licensing requirements that prohibit a city official or city employee from holding an alcohol license.

Background:
The prohibition of a city official or city employee from holding such a license was normal throughout the State of Georgia for years. After a court ruling which stated that an 'elected official' could not be prohibited from holding such a license, many local governments amended their ordinances removing the restriction of elected officials and employees from holding an alcohol license when all provisions of the ordinance have been met.

Funding:
N/A

Recommendation:
Adopt the ordinance as presented.

Attachments:
1. ALCOHOL ORDINANCE (Sec.3-49 (6) (REVISED 7-19-2024)

Previous Discussion with Council:
N/A

AN ORDINANCE TO AMEND CHAPTER 3, ALCOHOLIC BEVERAGES, OF THE CODE OF ORDINANCES OF THE CITY OF NEWNAN, GEORGIA TO PROVIDE FOR THE REGULATION OF THE SALE AND POSSESSION OF ALCOHOLIC BEVERAGES IN THE CITY OF NEWNAN BY AMENDING SEC. 3-49, PERSONS WHO ARE NOT ENTITLED TO A LICENSE; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES

WHEREAS, it has been determined that certain changes are necessary in the text of Chapter 3, Alcoholic Beverages, of the Code of Ordinances of the City of Newnan to provide for the regulation of sale and possession of alcoholic beverages in the City of Newnan by amending the section identifying persons who are not entitled to a license.

NOW, THEREFORE, BE IT ORDAINED AND IT IS HEREBY ORDAINED by the City Council of the City of Newnan, Georgia, and it is hereby ordained by the authority of same:

Section I: Section 3-49, Persons who are not entitled to a license of Chapter 3, Alcoholic Beverages be and is hereby amended by deleting Section 3-49 (6).

Section II. Should any phrase, clause, sentence, or section of this Ordinance be deemed unconstitutional by a Court of competent jurisdiction, such determination shall not effect the remaining provisions of this Ordinance, which provisions shall remain in full force and effect.

Section III. The effective date of this Ordinance shall be upon adoption.

DONE, RATIFIED and PASSED, by the City Council of the City of Newnan, Georgia, this the ______ day of __________________, 2024, in regular session.

ATTEST:

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L. Keith Brady, Mayor

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Megan Shea, City Clerk

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Paul Guillaume, Mayor Pro-Tem

REVIEWED AS TO FORM:

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C. Bradford Sears, Jr., City Attorney

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Cynthia E. Jenkins, Councilmember

____
Cleatus Phillips, City Manager

____
Rhodes H. Shell, Councilmember

____
Raymond F. DuBose, Councilmember

____
Dustin Koritko, Councilmember

____
James J. Thomasson, III, Councilmember

City of Newnan, Georgia - Mayor and Council

Date: August 13, 2024

Agenda Item: Consideration of a Resolution for Transmittal of the 2024 update to the Capital Improvements Element (CIE), which includes the Short-Term Work Program (STWP), to the Three Rivers Regional Commission (RC) and the Georgia Department of Community Affairs (DCA)

Prepared and Presented by: Chris Cole, Senior Planner

Purpose: To request official transmittal of the 2024 update to the CIE, including the STWP, to the Three Rivers RC and the Georgia DCA.

Background: The Georgia Development Impact Fee Act (GDIFA) was enacted into law in 1990. It sets rules for local governments that wish to charge new development for a portion of the additional capital facilities needed to serve it. Under GDIFA, local governments may impose exactions on developers to help finance the expansion of their infrastructure systems only through an impact fee system and only for the specific types of facilities and infrastructure listed in the law.

All local governments that utilize an impact fee system under the GDIFA must include CIEs in their comprehensive plans and update the CIE portion of their plan annually. The STWP is included as a part of the CIE.

Per the minimum standards of the planning process, all local governments must hold a minimum of one public hearing prior to the transmittal of each CIE update. The City has previously held the public hearing and staff is now requesting official transmittal of the document to the RC and DCA for review and comments. Formal adoption of the update by this body will be requested once approval is gained by both institutions.

Options:

A. Adopt the resolution approving transmittal of the 2024 update to the CIE, which includes the STWP.

Funding: N/A

Recommendation: Option A

Attachments: Transmittal resolution

Previous Discussions with Council: July 16, 2024

A RESOLUTION AUTHORIZING THE TRANSMITTAL OF THE CITY OF NEWNAN'S 2024 UPDATE TO THE CAPITAL IMPROVEMENTS ELEMENT, INCLUDING THE SHORT-TERM WORK PROGRAM, TO THE THREE RIVERS REGIONAL COMMISSION

CITY OF NEWNAN, GEORGIA

WHEREAS, the City of Newnan has prepared an annual update to a Capital Improvements Element and Short-Term Work Program; and

WHEREAS, the annual update of the Capital Improvements Element and Short-Term Work Program was prepared in accordance with the Development Impact Fee Compliance Requirements and the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, and a Public Hearing was held on July 16, 2024 at City Hall.

NOW THEREFORE, IT IS HEREBY RESOLVED, that the Mayor and Council of the City of Newnan does hereby submit the annual update of the Capital Improvements Element and Short-Term Work Program covering the one-year period 2024-2025 to the Three Rivers Regional Commission for Regional Review, as per the requirements of the Georgia Planning Act of 1989.

This Resolution is adopted this ______ day of _________________, 2024.

ATTEST:

	______________________________ Keith Brady, Mayor
______________________________ Megan Shea, City Clerk	______________________________ Paul Guillaume, Mayor Pro-Tem
REVIEWED:	______________________________ Cynthia Jenkins, Councilmember
______________________________ C. Bradford Sears, Jr., City Attorney	______________________________ Rhodes Shell, Councilmember
______________________________ Cleatus Phillips, City Manager	______________________________ Ray DuBose, Councilmember
	______________________________ Dustin Koritko, Councilmember
	______________________________ James J. Thomasson, III, Councilmember

Comprehensive Plan
2021-2041

Capital Improvements Element
with Short-Term Work Program
2024 Update

TABLE OF CONTENTS

2024 Update

I. Introduction

The Georgia Development Impact Fee Act (GDIFA) requires all jurisdictions that levy impact fees to include a Capital Improvements Element (CIE) within the Community Agenda portion of their comprehensive plan. Furthermore, GDIFA requires those jurisdictions that prepare a CIE for their comprehensive plan to update it annually. An annual CIE update includes three components:

1. An annual update to the Short-Term Work Program (STWP) that covers a five-year period, which includes the current year plus the next four years.
2. An annual report on impact fee finances.
3. An updated list of all CIE projects that receive funding from impact fees, which covers the same five-year period as the STWP.

II. Short-Term Work Program (STWP) Updates and Long-Term and Ongoing Activities

Whether or not a jurisdiction is required to have a CIE in their comprehensive plan they must have a STWP, as required by the Georgia Planning Act. This is necessary to maintain Qualified Local Government (QLG) status. The STWP is a key implementation tool, which reflects those activities and strategies the local government has chosen to undertake in the current five-year period (2024-2028). The City of Newnan has chosen to also provide a long-term and ongoing activities table for reference.

PROJECTS AND ACTIVITIES | STWP ADDENDUM						
Project or Activity	Project Start Date	Project Completion Date	Estimated Project Cost	Portion Chargeable to Impact Fees	Sources of Funds (& Share)	Responsible Party
Wadsworth Auditorium improvements	2026	2027	$650,000	$0	SPLOST	Leisure Services
Farmer Street Cemetery	2021	2026	$1,200,000	$0	General Fund	Farmer Street Cemetery Commission
Sidewalks along East Washington Street from Farmer Street to Perry Street	2026	2028	$1,851,255	$0	LCI, City, Match Amount is $370,251	City
Andrew Street Extension from Augusta Drive to East Washington Street	2025	2028	$2,986,000	$0	SPLOST	Engineering
Traffic Signal Improvements	2016	2026	$600,000	$0	SPLOST	Engineering
Acquire a heavy-duty vehicle for fire department	2027	2028	$1,000,000	$1,000,000	Impact Fees, SPLOST	Fire
Obtain National Register District designation for Chalk Level Neighborhood	2013	2026	$2,000	$0	NURA	NURA, Planning & Zoning
Streetscapes Project	2024	2029	$2,500,000	$0	SPLOST, Grants	City Manager

Project or Activity	Project Start Date	Project Completion Date	Estimated Project Cost	Portion Chargeable to Impact Fees	Sources of Funds (& Share)	Responsible Party
Continue Implementation of Neighborhood Stabilization Program (NSP III)	2011	2025	$350,000	$0	NSP Grant	Planning & Zoning, Housing Authority
Continue Implementation of Neighborhood Stabilization Program (NSP I)	2013	2026	$1,500,000	$0	NSP Revenue, NSP Grant	Planning & Zoning, Housing Authority, Habitat for Humanity
Murray Street Housing Revitalization Project	2023	2025	$1,750,000	$0	ARPA	Planning & Zoning, NURA
Sidewalks along Greison Trail	2025	2026	$1,500,000	$0	SPLOST, Grants	Engineering
Sidewalks along Sprayberry Road	2021	2025	$2,000,000	$0	SPLOST	Engineering
Replacement of culvert systems	2022	2027	$6,850,000	$0	ARPA	Public Works
Greenville Street at Sewell Road Intersection Improvements	2025	2030	$1,750,000	$350,000	Impact Fees - 20% FHWA – 80%	Engineering
Newnan Crossing Boulevard Widening and Operational Improvements	2025	2030	$13,100,000	$0	SPLOST/TBD	Engineering
Jefferson Street at Sprayberry Road Roundabout	2023	2029	$2,340,000	$0	SPLOST - 20% FHWA – 80%	Engineering
Clark Street Operational and Pedestrian Improvements	2021	2025	$1,290,000	$0	SPLOST	Engineering
Completion of Sidewalks/Streetscapes/Pedestrian-Level Lighting for Bullsboro Drive (from State Route 34 to Farmer Street)	2025	2028	$1,600,000	$0	SPLOST - 20% & FHWA – 80% (TAP)	Engineering
Rehabilitate and/or Reconstruction of substandard and dilapidated housing units within the NURA redevelopment area	2021	2031	$5,350,000	None	CDBG, CHIP, NSP, local homeowner funds, HUD EDI	Planning & Zoning, NURA
Develop LINC trail system (remaining phases)	2025	2030	$20,000,000	$6,000,000	Impact Fees – 30%, SPLOST – 60%, City – 10%	City Manager

Project or Activity	Project Start Date	Project Completion Date	Estimated Project Cost	Portion Chargeable to Impact Fees	Sources of Funds (& Share)	Responsible Party
Improvements to Lower Fayetteville Road (Preliminary Engineering Phases)	2023	2030	$6,200,000	$0	FHWA – 80%, SPLOST – 20%	Engineering
Maintain/Resurface Streets	2023	2025	$11,500,000	$0	LMIG, SPLOST	Engineering
LINC Trailhead	2024	2025	$3,000,000	$0	SPLOST	City Manager
Pickleball Expansion Project	2024	2025	$900,000	$0	SPLOST	City Manager
Greenville Street Park Upgrades	2024	2026	$1,000,000	$0	SPLOST	City Manager
Public Safety Expansion	2026	2028	$6,950,000	$0	SPLOST	City Manager
Lynch Park Improvements	2024	2026	$1,200,000	$0	SPLOST	City Manager
Fire Station Renovation (Temple Avenue)	2026	2027	$2,500,000	$0	SPLOST	City Manager
Firearms Training Project	2025	2026	$1,100,000	$0	SPLOST, Grants, Donations	City Manager
Fire Flashover Project	2026	2026	$165,000	$0	SPLOST	City Manager
Downtown Infrastructure Improvements	2026	2028	$3,500,000	$0	SPLOST	City Manager
Park Playground Project	2026	2029	$500,000	$0	Grants, SPLOST	City Manager
Cemetery Upgrades	2026	2029	$2,500,000	$0	SPLOST	City Manager
Network Servers, Storage, and Switches	2026	2026	$500,000	$0	General Fund, SPLOST	Information Technology

Source: City of Newnan
Note: Building, Planning & Zoning, Public Works, Beautification, Information Technology, Police, Fire, Engineering, Business Development refer to those respective departments of the City of Newnan. County refers to Coweta County. Acronyms used refer to: RC- Three Rivers Regional Commission, ARC- Atlanta Regional Commission, GRTA- Georgia Regional Transportation Authority, NURA- Newnan Urban Redevelopment Agency, NCAC – Newnan Cultural Arts Commission, HUD – U.S. Department of Housing and Urban Development, EDI – Economic Development Initiative, TAP – Transportation Alternatives Program, ARPA – American Rescue Plan Act, FHWA – Federal Highway Administration, ROW – Right-of-Way, NSP – Neighborhood Stabilization Program, CDBG – Community Development Block Grant, CHIP – Community HOME Investment Program, SPLOST – Special Purpose Local Option Sales Tax, LMIG – Local Maintenance Improvement Grant. Other groups referenced, like the Historical Society, represent those organizations servicing either Newnan or Coweta County as a whole.

IMPROVEMENTS | STWP ADDENDUM LONG-TERM, INDEFINITE, AND CONTINUOUS ACTIVITIES*						
Project or Activity	**Project Start Date**	**Project Completion Date**	**Estimated Project Cost**	**Portion Chargeable to Impact Fees**	**Sources of Funds (& Share)**	**Responsible Party**
Improvements to Lower Fayetteville Road (ROW & Construction & Utilities)	2030	2035	$94,200,000	$5,000,000	Impact Fees – 7%, Local (City/County) – 13%, FHWA – 80%	Engineering
Bullsboro Drive Widening and Operational Improvements	2029	2034	$22,020,000	$0	SPLOST - 20% FHWA – 80%	Engineering
Greenville Street at Spence Avenue Intersection Improvements	2029	2035	$2,200,000	$0	SPLOST - 20% FHWA – 80%	Engineering
Sidewalks along Jackson Street	2029	2036	$11,560,000	$0	SPLOST - 20% & FHWA – 80% (TAP)	Engineering
Maintain/Resurface Streets	Annual	Continuous	$2,000,000 annually	$0	General Fund, SPLOST, LMIG	Engineering, Public Works
Acquire a heavy-duty vehicle for fire department	2030	2030	$1,000,000	$300,000	Impact Fees – 30%, SPLOST – 70%	Fire
Acquire a heavy-duty vehicle for fire department	2035	2035	$1,000,000	$300,000	Impact Fees – 30%, SPLOST – 70%	Fire
Acquire a heavy-duty vehicle for fire department	2040	2040	$1,000,000	$300,000	Impact Fees – 30%, SPLOST – 70%	Fire

Project or Activity	Project Start Date	Project Completion Date	Estimated Project Cost	Portion Chargeable to Impact Fees	Sources of Funds (& Share)	Responsible Party
City Fiber Ring	2030	2032	$500,000	$0	TBD	Information Technology

Source: City of Newnan
Note: Beautification, Fire, Engineering refer to those respective departments of the City of Newnan.
*Long-Term means any activity that is to begin in or more than five years (2029) from the current year (2024). All activities that have an indefinite or continuous end date, but a known start date prior to 2029, are included here to have the STWP represent only activities with known start end dates. Also, it is conceivable that many of the activities with unknown end dates are or may become permanently ongoing activities.

III. Impact Fee Financial Report Updates

The purpose of annually reporting on the financial state of impact fees is to provide an overview of impact fees collected and spent by category of public facility and service area. As seen below, there is a report for 2023, which is the last completed year.

ANNUAL FINANCIAL REPORT FOR 2023					
Public Facility Type	**Parks and Recreation**	**Fire Services**	**Police Protection**	**Roads, Streets, and Bridges**	**Total**
Service Area	City of Newnan	City of Newnan	City of Newnan	City of Newnan	City of Newnan
Beginning Impact Fee Fund Balance	$120,004.09	$567,362.12	$1.92	$579,509.96	$1,266,878.09
Impact Fees Collected	$153,746.22	$45,844.96	$0.00	$51,627.02	$251,218.20
Accrued Interest	$3,692.61	$9,365.17	$0.00	$6,221.90	$19,279.68
Project Expenditures	($1,970.76)	($294,975)	$0.00	$0.00	($296,945.76)
***Impact Fee Refunds**	$0.00	$0.00	$0.00	$0.00	$0.00
Ending Impact Fee Fund Balance	$275,472.16	$327,597.25	$1.92	$637,358.88	$1,240,430.21
Impact Fees Encumbered	$0.00	$0.00	$0.00	$0.00	$0.00

Source: City of Newnan Finance Department – Fund 375 Impact Fees. Note - After the completion of the new Public Safety Facility building, the City of Newnan suspended the imposition and charging of the Police Impact Fee (effective date of February 24, 2014). The accompanying Ordinance was included in the 2015 Update to the Capital Improvements Element. Since that time, the City has kept a column in the Annual Financial Report for Police Protection as there is still a remaining Impact Fee Fund Balance of $1.92.

<u>Administrative Fees</u>

Three percent of each impact fee is added to the final amount as an administrative fee. This portion of the impact fee pays for banking fees to maintain the impact fee account and helps fund the salaries of the administrator who collects the impact fees and other staff members of the Planning and Zoning Department who update the CIE, prepare financial reports, and other related activities. For 2023, the only costs associated with implementation were banking fees and the salaries of those various employees. The amount collected in administrative fees was $7,541.18.

IV. Capital Improvements Element (CIE) Project Updates

A capital improvement is an improvement that increases the service capacity of a public facility and has a useful life of ten or more years due to new construction or some other action. The CIE projects tables below show all planned capital improvements with expected completion dates within the current five-year period.

Capital Improvements Projects: Fire Services

Newnan			Capital Improvements Projects - 2024				
Public Facility			Fire Services				
Service Area			City Limits				
Project Description	**Project Start Date**	**Project End Date**	**Estimated Cost of Project**	**Portion Chargeable to Impact Fees**	**Funding Sources**	**Responsible Party**	**Status**
Acquire a heavy-duty vehicle for fire department	2025	2026	$750,000	$750,000	Impact Fees – 100%	Fire	Planning
Fire Station Renovation (Temple Avenue)	2026	2027	$2,500,000	$0	SPLOST	City Manager	Planning
Firearms Training Project	2025	2026	$1,100,000	$0	SPLOST, Grants, Donations	City Manager	Planning
Fire Flashover Project	2026	2026	$165,000	$0	SPLOST	City Manager	Planning

Source: City of Newnan Planning and Zoning Department

Capital Improvements Projects: Cemetery

Newnan			Capital Improvements Projects - 2024				
Public Facility			Cemetery				
Service Area			City Limits				
Project Description	**Project Start Date**	**Project End Date**	**Estimated Cost of Project**	**Portion Chargeable to Impact Fees**	**Funding Sources**	**Responsible Party**	**Status**
Farmer Street Cemetery	2021	2026	$1,200,000	$0	General Fund	Farmer Street Cemetery Commission	Awaiting Concept Layout

Source: City of Newnan Planning and Zoning Department

Capital Improvements Projects: Police

Newnan				Capital Improvements Projects - 2024			
Public Facility				Police			
Service Area				City Limits			
Project Description	**Project Start Date**	**Project End Date**	**Estimated Cost of Project**	**Portion Chargeable to Impact Fees**	**Funding Sources**	**Responsible Party**	**Status**
Public Safety Expansion	2026	2028	$6,950,000	$0	SPLOST	City Manager	Planning

Source: City of Newnan Planning and Zoning Department

Capital Improvements Projects: Roads, Streets, and Bridges

Newnan				Capital Improvements Projects - 2024			
Public Facility				Roads, Streets, and Bridges			
Service Area				City Limits			
Project Description	**Project Start Date**	**Project End Date**	**Estimated Cost of Project**	**Portion Chargeable to Impact Fees**	**Funding Sources**	**Responsible Party**	**Status**
Andrew Street Extension from Augusta Drive to East Washington Street	2025	2028	$2,986,000	$0	SPLOST	Engineering	Concept Layout
Clark Street Operational and Pedestrian Improvements	2021	2025	$1,290,000	$0	SPLOST	Engineering	Design
Sidewalks along Sprayberry Road	2021	2025	$2,000,000	$0	SPLOST	Engineering	Design
Sidewalks along Greison Trail	2014	2025	$800,000	$0	SPLOST	Engineering	Planning
Replacement of culvert systems	2022	2026	$6,850,000	$0	ARPA	Public Works	Construction
Sidewalks along East Washington Street from Farmer Street to Perry Street	2026	2028	$1,851,255	$0	LCI, City, Match Amount is $370,251	City	Planning
Traffic Signal Improvements	2016	2026	$600,000	$0	SPLOST	Engineering	Planning and Design
Completion of Sidewalks/Streetscapes/ Pedestrian-Level Lighting for Bullsboro Drive (from State Route 34 to Farmer Street)	2025	2028	$1,600,000	$0	SPLOST - 20% & FHWA – 80% (TAP)	Engineering	Planning
Downtown Infrastructure Improvements	2026	2028	$3,500,000	$0	SPLOST	City Manager	Planning

Source: City of Newnan Planning and Zoning Department

Capital Improvements Projects: Parks

Newnan				Capital Improvements Projects - 2024			
Public Facility				**Parks**			
Service Area				**City Limits**			
Project Description	**Project Start Date**	**Project End Date**	**Estimated Cost of Project**	**Portion Chargeable to Impact Fees**	**Funding Sources**	**Responsible Party**	**Status**
LINC Trailhead	2024	2025	$3,000,000	$0	SPLOST	City Manager	Design
Pickleball Expansion Project	2024	2025	$900,000	$0	SPLOST	City Manager	Design/ Build
Greenville Street Park Upgrades	2024	2026	$1,000,000	$0	SPLOST	City Manager	Design
Lynch Park Improvements	2024	2026	$1,200,000	$0	SPLOST	City Manager	Design

Source: City of Newnan Planning and Zoning Department

V. Wastewater Collection and Treatment Updates

As with the Comprehensive Plan, wastewater collection and treatment are being reported separately from the other public facilities. This is due to the fact that Newnan Utilities, the City's appointed authority for administering public utilities, provides service for this specific category. The other public facilities included in this update are direct operations of the City. Newnan Utilities provides all the information for wastewater collection and treatment concerning the Comprehensive Plan and CIE updates. They also levy and collect the impact fees for wastewater collection and treatment.

Similar to previous public facilities, those items for wastewater collection and treatment that have completion dates beyond 2028 are not shown in the CIE and STWP.

ANNUAL FINANCIAL REPORT FOR 2023	
Public Facility Type	**Wastewater Collection and Treatment**
Service Area	**City of Newnan**
Beginning Impact Fee Fund Balance	$5,582,973.01
Impact Fees Collected	$841,530.00
Accrued Interest	$6,433.22
Project Expenditures	($519,074.00)
Administrative Costs	($25,245.90)
Impact Fee Refunds	$0.00
Ending Impact Fee Fund Balance	$5,886,616.33
Impact Fees Encumbered	$0.00

Source: Newnan Utilities

PROJECTS AND ACTIVITIES | STWP ADDENDUM						
Project or Activity	**Project Start Date**	**Project Completion Date**	**Estimated Project Cost**	**Portion Chargeable to Impact Fees**	**Sources of Funds (& Share)**	**Responsible Party**
Wastewater Plant Upgrade: Mineral Springs, Wahoo, White Oak	2020	2027	$15,000,000	$15,000,000	Impact Fees - 100%	Newnan Utilities
Collection System Improvements	2020	2027	$750,000	$750,000	Impact Fees - 100%	Newnan Utilities

Source: Newnan Utilities

IMPROVEMENTS-STWP ADDENDUM LONG-TERM, INDEFINITE, AND CONTINUOUS ACTIVITIES*						
Project or Activity	**Project Start Date**	**Project Completion Date**	**Estimated Project Cost**	**Portion Chargeable to Impact Fees**	**Sources of Funds (& Share)**	**Responsible Party**
Phase I – Expansion of Mineral Springs WPCP & Wahoo Creek; White Oak Creek WPCP; Conversion to WRF	Indefinite	Indefinite	$40,513,200	$40,513,200	Impact Fees - 100%	Newnan Utilities
Phase II – Construction of Land Application System	Indefinite	Indefinite	$14,130,300	$14,130,300	Impact Fees - 100%	Newnan Utilities
Collection System Construction	Indefinite	Indefinite	$3,000,000	$3,000,000	Impact Fees - 100%	Newnan Utilities

Source: Newnan Utilities and Wiedeman and Singleton, Inc.
*Long-Term means any activity that is to end more than five years (2029) from the current year (2024). It is conceivable that many of the activities with unknown end dates are or may become permanently ongoing activities. In addition, the figures are not exact totals for the projects they represent. They are estimates as used in the "Calculation of Impact Fee in 2005" table.

Wastewater Collection and Treatment CIE

Newnan	Capital Improvements Projects - 2024				
Public Facility	Wastewater Collection and Treatment				
Service Area	City Limits				
Project Description	**Project Start Date**	**Project End Date**	**Estimated Cost of Project***	**Funding Sources**	**Status**
Wahoo Plant: 3 VFD Project	2024	2024	$150,000	Impact Fees - 100%	Construction
Wahoo Plant: Liquid Lime Conversion	2024	2025	$600,000	Impact Fees - 100%	Construction
Wahoo Plant: RAS Line	2024	2024	$83,000	Impact Fees- 100%	Construction
Mineral Springs Plant: Liquid Lime Conversion	2024	2025	$600,000	Impact Fees- 100%	Construction
Collection System Improvements	2020	2027	$750,000	Impact Fees - 100%	Planning
Wastewater Plant Upgrade: Mineral Springs, Wahoo, White Oak	2020	2027	$15,000,000	Impact Fees - 100%	Planning

Source: Newnan Utilities

To:	Mayor and Council
Date:	August 13, 2024
Agenda Item:	5 Hamilton Bohannon Dr - Request for Extension
Prepared By:	Patrick Ramirez, Code Enforcement Officer

Purpose:
The homeowner is requesting 45 days extra to demo the house.

Background:
Owner: Robert Lee Morgan C/O Marion Herring & Geraldine Herring

Date Substandard housing file was opened: March 19, 2024.
Does the cost to bring this structure in compliance by means of repair exceed 50% of the structure's assessed tax valine? **YES**

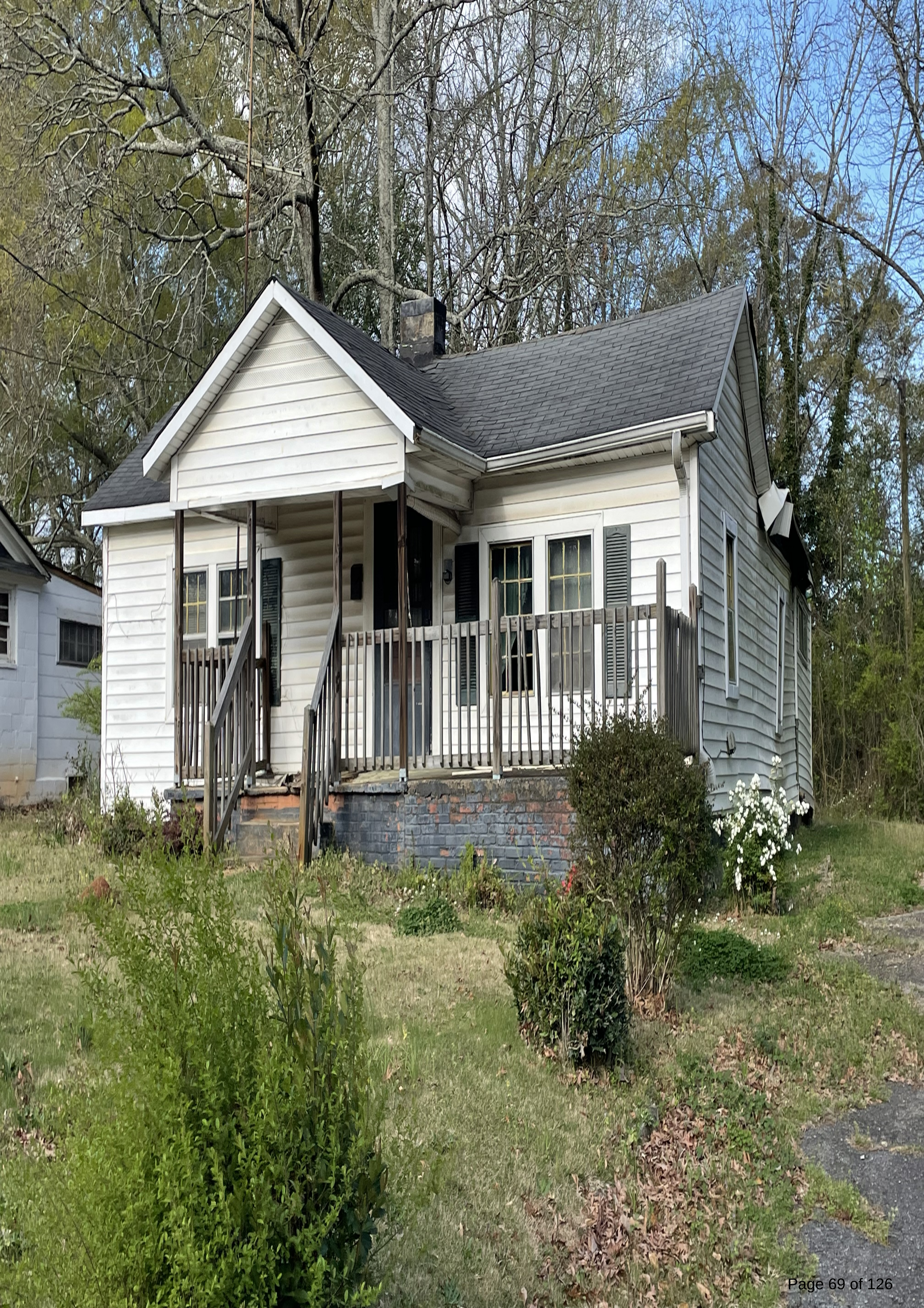
On March 19, 2024 the Building Department conducted an inspection of the premises. The structure has been determined to be unsafe as set forth by City Ordinance Section 5-24. (a), Sub-sections (3, 4, 5, 6, 8, 9, 10).

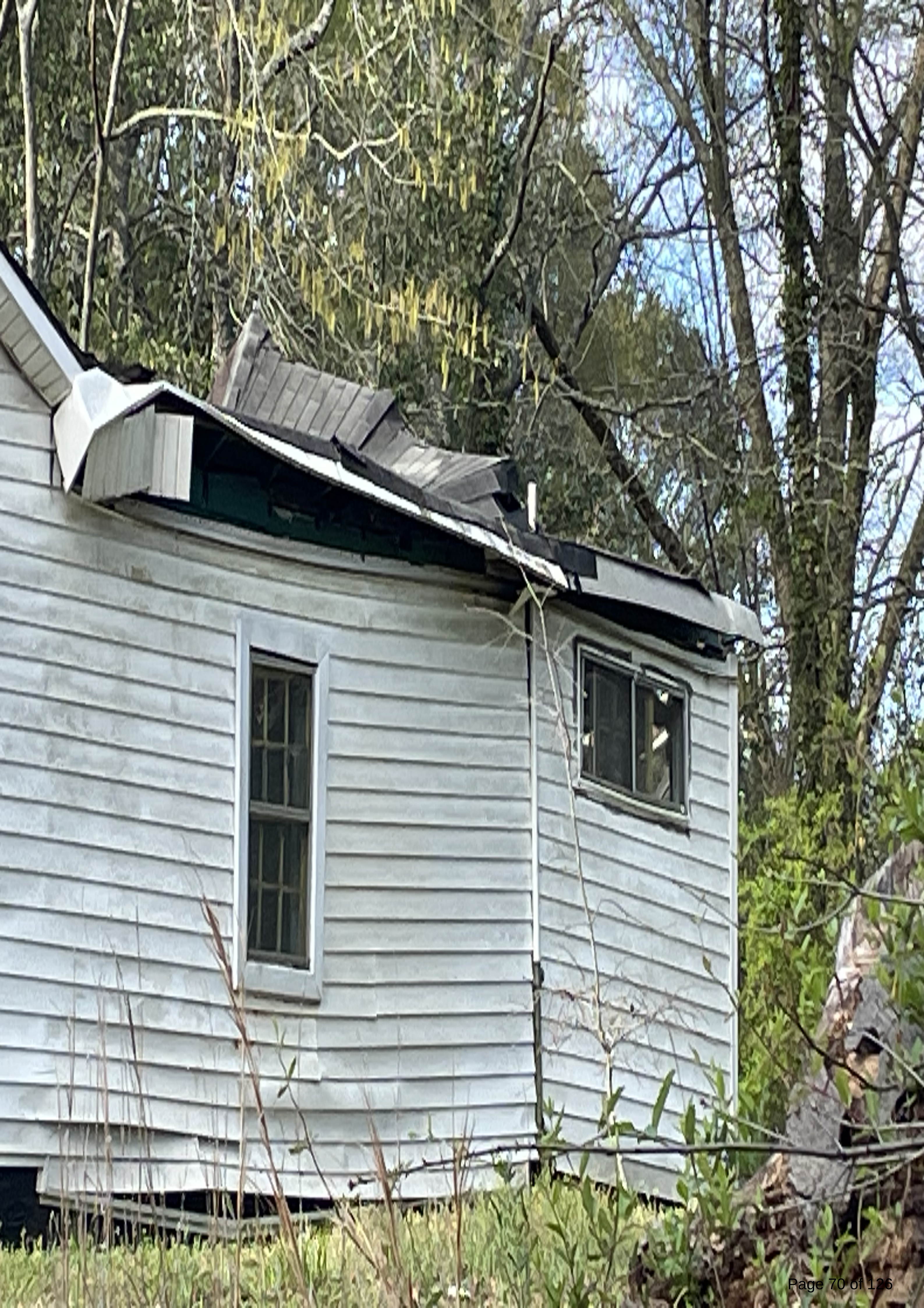
Funding:
Not Applicable

Recommendation:
Staff is requesting Council's approval of the homeowner's request.

Attachments:
1. 5 Hamilton Bohannon Dr
2. 5 Hamilton Bohannon Dr-1

Previous Discussion with Council:
March 25, 2024- Council informed of conditions.
May 28, 2024- Public Hearing was held, and a resolution was adopted for the homeowner to demo the house in 90 days. The 90 days will end on Aug 26, 2024.





AN ORDINANCE TO AMEND THE 2023 FISCAL YEAR BUDGETS

BE IT ORDAINED, and it is hereby ordained, that the City Council has authorized an amendment to the 2023 Revenue and Expense Budgets as follows: General Fund Revenue and Expenditure amendments equally totaling $334,500. Therefore, the 2023 Budget is hereby amended to include the additional appropriations discussed above, per the attached 2023 Budget Amendment Request listing.

DONE, RATIFIED AND PASSED by the City Council of the City of Newnan, Georgia, this 16th day of July 2024 in regular session assembled.

Attest:

Megan Shea, City Clerk

Keith Brady, Mayor

Paul Guillaume, Mayor Pro Tem

Cynthia Jenkins, Councilmember

Witness:

C. Bradford Sears, Jr., City Attorney

(ABSENT)

Rhodes Shell, Councilmember

Cleatus W. Phillips, City Manager

Ray DuBose, Councilmember

Dustin Koritko, Councilmember

James J. Thomasson, III, Councilmember

DONE, RATIFIED AND PASSED in regular session, on second reading this the ______day of ________________2024.

ATTEST:

____
Megan Shea, City Clerk

____
L. Keith Brady, Mayor

REVIEWED AS TO FORM:

____
Paul Guillaume, Mayor Pro Tem

____
C. Bradford Sears, Jr., City Attorney

____
Cynthia E. Jenkins, Councilmember

____
Cleatus Phillips, City Manager

____
Rhodes H. Shell, Councilmember

____
Raymond F. DuBose, Councilmember

____
Dustin Koritko, Councilmember

____
James J. Thomasson, II, Councilmember

July 17, 2024

TRANSMITTED VIA E-MAIL
(mkelsey@newnanga.gov)

Ms. Meg Kelsey
Assistant City Manager
City of Newnan
P.O. Box 1193
Newnan, Georgia 30264-1193

RE: City of Newnan Defined Benefit Retirement Plan; Amendment to Allow Non-Vested Participants to Make DB-DC Plan Election

Dear Ms. Kelsey:

Per the city's request, attached please find a draft Adoption Agreement and General Addendum for the city of Newnan's Georgia Municipal Employees Benefit System ("GMEBS") Defined Benefit Retirement Plan ("DB Plan"). The amendment to the Plan allows regular employees and elected officials who are active DB Plan participants as of August 13, 2024, but will not become vested before October 12, 2024, to make a one-time irrevocable election to continue participating in the DB Plan or to participate instead in the city's 401(a) defined contribution plan ("DC Plan"), subject to the plans' eligibility requirements, with respect to service with the city on or after October 12, 2024 (General Addendum, subsection 2(b)). The election window will be from August 14 – October 11, 2024.

Vested participants are not eligible to make an election. If a participant makes a DB-DC Plan election and becomes (or is later determined to have become) vested before October 12, 2024, the participant's election will be null and void. If a non-vested participant fails to make an election, the participant will be deemed to have elected to continue participating in the DB Plan with respect to service on or after October 12, 2024. However, in accordance with the terms of the January 1, 2024, DB Plan freeze, if a non-vested participant who elects (affirmatively or by default) to continue participating in the DB Plan terminates employment and later becomes reemployed, the participant will not be eligible to participate in the DB Plan following reemployment.

A non-vested participant who affirmatively elects to participate in the DC Plan instead of the DB Plan will not participate in the DB Plan with respect to service or earnings on or after October 12, 2024, and will not accrue credited service under the DB Plan for any purpose. Specifically, the participant will not have the opportunity to become vested under the DB Plan and will not become eligible for benefits or payments of any kind under the DB Plan, including benefits attributable to service prior to October 12, 2024. No assets will be transferred from the DB Plan to the DC Plan.

The city will be responsible for distributing plan election notice and forms, determining the elections made, and providing copies of completed election forms to GMEBS.

The Adoption Agreement provides that the amended Plan documents will become effective August 13, 2024. **Please note that per O.C.G.A. § 47-5-40, the Adoption Agreement has been drafted in the form of an ordinance.** Both the Adoption Agreement and General Addendum must be adopted for the amendment to be effective.

If the draft Adoption Agreement and General Addendum are acceptable, please have the designated representatives sign and date each document where indicated (Adoption Agreement, p. 38 and General Addendum, p. 10). Next, please scan and email both documents to Gina Gresham at rgresham@gacities.com. GMEBS will then countersign both documents and return electronic copies to you. Please note, GMEBS will not execute documents that have been edited by the city. If the documents require revisions, please let us know before adopting them.

If you have any questions about the information provided in this letter or require further information, please feel free to contact me at (678) 686-6212 or ghall@gacities.com.

Sincerely,

Gwin C. Hall

Gwin Hall
Senior Associate General Counsel

Encl.

C: Mr. Cleatus Phillips, City Manager, City of Newnan (w/ encl.)
Mr. Ed Emerson, Morris, Manning & Martin, LLP, City of Newnan (w/ encl.)
Ms. Caroline Dorsey, Morris, Manning & Martin, LLP (w/ encl.)
Mr. Brad Sears, City Attorney, City of Newnan (w/ encl.)
Ms. Marinetty Bienvenu, Director, Employee Benefit Services (w/o encl.)
Ms. Michelle Warner, Director, Retirement Field Services and DC Program (w/o encl.)
Mr. Kevin Jeselnik, Assistant General Counsel (w/o encl.)

GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM

DEFINED BENEFIT RETIREMENT PLAN

AN ORDINANCE
and
ADOPTION AGREEMENT
for

City of Newnan

Form Pre-approved Plan Adoption Agreement
Amended and Restated for Third Six-Year Cycle, 2020 Cumulative List

TABLE OF CONTENTS

PAGE

I. AN ORDINANCE

An Ordinance to amend and restate the Retirement Plan for the Employees of the City of Newnan, Georgia, in accordance with and subject to the terms and conditions set forth in the attached Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Basic Plan Document, and the GMEBS Trust Agreement. When accepted by the authorized officers of the City of Newnan and GMEBS, the foregoing shall constitute a Contract between the City of Newnan and GMEBS, all as authorized and provided by O.C.G.A. § 47-5-1 et seq.

BE IT ORDAINED by the Mayor and Council of the City of Newnan, Georgia, and it is hereby ordained by the authority thereof:

Section 1. The Retirement Plan for the Employees of the City of Newnan, Georgia, is hereby amended and restated as set forth in and subject to the terms and conditions stated in the following Adoption Agreement, any Addendum to the Adoption Agreement, the Georgia Municipal Employees Benefit System (GMEBS) Basic Plan Document, and the GMEBS Trust Agreement.

Ordinance continued on page 38

II. GMEBS DEFINED BENEFIT RETIREMENT PLAN ADOPTION AGREEMENT

1. ADMINISTRATOR

Georgia Municipal Employees Benefit System
201 Pryor Street, SW
Atlanta, Georgia 30303
Telephone: 404-688-0472
Facsimile: 404-577-6663

2. ADOPTING EMPLOYER

Name: **City of Newnan, Georgia**

3. GOVERNING AUTHORITY

Name: **Mayor and Council**
Address: **P.O. Box 1193, Newnan, GA 30264-1193**
Phone: **(770) 253-2682**
Facsimile: **(770) 254-2353**

4. PLAN REPRESENTATIVE

[To represent Governing Authority in all communications with GMEBS and Employees]
(See Section 2.49 of Basic Plan Document)

Name: **City Manager**
Address: **P.O. Box 1193, Newnan, GA 30264-1193**
Phone: **(770) 253-2682**
Facsimile: **(770) 254-2353**

5. PENSION COMMITTEE

[Please designate members by position. If not, members of Pension Committee shall be determined in accordance with Article XIV of the Basic Plan Document]

The Pension Committee shall be comprised of three (3) Employees appointed by the Governing Authority.

Pension Committee Secretary: **Assistant City Manager**
Address: **P.O. Box 1193, Newnan, GA 30264-1193**
Phone: **(770) 253-2682**
Facsimile: **(770) 254-2353**

6. TYPE OF ADOPTION

This Adoption Agreement is for the following purpose (**check one**):

☐ This is a new defined benefit plan adopted by the Adopting Employer for its Employees. This plan does not replace or restate an existing defined benefit plan.

☐ This is an amendment and restatement of the Adopting Employer's preexisting non-GMEBS defined benefit plan.

☒ This is an amendment and restatement of the Adoption Agreement previously adopted by the Employer, as follows **(check one or more as applicable):**

- ☒ To update the Plan to comply with the PATH Act, and other applicable federal laws and guidance under IRS Notice 2020-14 (the 2020 Cumulative List).

- ☒ To make the following amendments to the Adoption Agreement **(must specify below revisions made in this Adoption Agreement; all provisions must be completed in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: <u>**This is an amendment to allow non-vested Participants who are in Service with the City and actively participating in this Plan as of August 13, 2024, and remain active but non-vested Participants in this Plan as of October 11, 2024, to elect to continue participating in this Plan with respect to Service on or after October 12, 2024, or to participate instead in the City of Newnan 401(a) Defined Contribution Plan ("DC Plan") with respect to service on or after October 12, 2024 (see Adoption Agreement, pp. 6-7, and General Addendum, Subsection 2(a))**</u>.

7. EFFECTIVE DATE

NOTE: This Adoption Agreement and any Addendum, with the accompanying Basic Plan Document, is designed to comply with Internal Revenue Code Section 401(a), as applicable to a governmental qualified defined benefit plan, and is part of the GMEBS Defined Benefit Retirement Plan. Plan provisions designed to comply with certain provisions of the Protecting Americans from Tax Hikes Act of 2015 ("PATH Act"); and Plan provisions designed to comply with certain provisions of additional changes in federal law and guidance from the Internal Revenue Service under Internal Revenue Service Notice 2020-14 (the 2020 Cumulative List) are effective as of the applicable effective dates set forth in the Adoption Agreement and Basic Plan Document. By adopting this Adoption Agreement, with its accompanying Basic Plan Document, the Adopting Employer is adopting a plan document intended to comply with Internal Revenue Code Section 401(a), as updated by the PATH Act and the 2020 Cumulative List with the applicable effective dates.

(1) **Complete this item (1) only if this is a new defined benefit plan which does not replace or restate an existing defined benefit plan**.

The effective date of this Plan is _____.
(insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted).

(2) **Complete this item (2) only if this Plan is being adopted to replace a non-GMEBS defined benefit plan.**

Except as otherwise specifically provided in the Basic Plan Document or in this Adoption Agreement, the effective date of this restatement shall be _____ **(insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted (unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance))**. This Plan is intended to replace and serve as an amendment and restatement of the Employer's preexisting plan, which became effective on _____ **(insert original effective date of preexisting plan)**.

(3) **Complete this item (3) only if this is an amendment and complete restatement of the Adopting Employer's existing GMEBS defined benefit plan.**

Except as otherwise specifically provided in the Basic Plan Document or in this Adoption Agreement, the effective date of this restatement shall be **<u>August 13, 2024</u>** **(insert effective date of this Adoption Agreement but not earlier than the first day of the current Plan Year in which the Plan is adopted (unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance))**.

This Plan is adopted as an amendment and restatement of the Employer's preexisting GMEBS Adoption Agreement, which became effective on **<u>January 1, 2024</u>** **(insert effective date of most recent Adoption Agreement preceding this Adoption Agreement)**.

The Employer's first Adoption Agreement became effective **July 1, 2003** **(insert effective date of Employer's first GMEBS Adoption Agreement)**. The Employer's GMEBS Plan was originally effective **April 1, 1990** **(insert effective date of Employer's original GMEBS Plan)**. (If the Employer's Plan was originally a non-GMEBS Plan, then the Employer's non-GMEBS Plan was originally effective _____ **(if applicable, insert effective date of Employer's original non-GMEBS Plan)**.)

8. PLAN YEAR

Plan Year means **(check one):**

☐ Calendar Year
☐ Employer Fiscal Year commencing ____.
☒ Other **(must specify month and day commencing)**: **April 1.**

9. CLASSES OF ELIGIBLE EMPLOYEES

Only Employees of the Adopting Employer who meet the Basic Plan Document's definition of "Employee" may be covered under the Adoption Agreement. Eligible Employees shall not include non-governmental employees, independent contractors, leased employees, nonresident aliens, or any other ineligible individuals, and this Section 9 must not be completed in a manner that violates the "exclusive benefit rule" of Internal Revenue Code Section 401(a)(2).

A. Eligible Regular Employees

Regular Employees include Employees, other than elected or appointed members of the Governing Authority or Municipal Legal Officers, who are regularly employed in the services of the Adopting Employer. Subject to the other conditions of the Basic Plan Document and the Adoption Agreement, the following Regular Employees are eligible to participate in the Plan **(check one)**:

☐ **ALL** - All Regular Employees, provided they satisfy the minimum hour and other requirements specified under "Eligibility Conditions" below.

☒ **ALL REGULAR EMPLOYEES EXCEPT** for the following employees **(must specify; specific positions are permissible; specific individuals may not be named)**: **Regular Employees who are initially employed on or after January 1, 2024, are not eligible to participate in the Plan for any purpose. Current or former Regular Employees (i.e., Regular Employees initially employed before January 1, 2024) who are reemployed on or after January 1, 2024, shall not participate in the Plan for any purpose following the date on which they are initially reemployed on or after January 1, 2024. See General Addendum Sections 2 and 14. Additionally, non-vested Participants who are in Service as of August 13, 2024, remain in Service and non-vested as of October 11, 2024, and irrevocably elect in accordance with subsection 2(b) of the General Addendum to participate in the City of Newnan 401(a) Defined Contribution Plan ("DC Plan"), instead of this Plan, with respect to service with the City on or after October 12, 2024, shall not be eligible to participate in this Plan for any purpose with respect to service on or after October 12, 2024.**

B. Elected or Appointed Members of the Governing Authority

An Adopting Employer may elect to permit participation in the Plan by elected or appointed members of the Governing Authority and/or Municipal Legal Officers, provided they otherwise meet the Basic Plan Document's definition of "Employee" and provided they satisfy any other requirements specified by the Adopting Employer. Municipal Legal Officers to be covered must be specifically identified by position. Subject to the above conditions, the Employer hereby elects the following treatment for elected and appointed officials:

(1) Elected or Appointed Members of the Governing Authority (check one):

☐ **ARE NOT** eligible to participate in the Plan.

☒ **ARE** eligible to participate in the Plan.

Please specify any limitations on eligibility to participate here (e.g., service on or after certain date, or special waiting period provision): **Members of the Governing Authority who initially take office on or after January 1, 2024, are not eligible to participate in the Plan for any purpose. Current or former members of the Governing Authority (i.e., members of the Governing Authority who initially held office before January 1, 2024) who return to office (following vacation of office) on or after January 1, 2024, shall not participate in the Plan for any purpose following the date on which they initially hold office or return to office (following vacation of office) on or after January 1, 2024. See General Addendum Sections 2 and 14. Additionally, non-vested Participants who are in Service as of August 13, 2024, remain in Service and non-vested as of October 11, 2024, and irrevocably elect in accordance with subsection 2(b) of the General Addendum to participate in the City of Newnan 401(a) Defined Contribution Plan ("DC Plan"), instead of this Plan, with respect to service with the City on or after October 12, 2024, shall not be eligible to participate in this Plan for any purpose with respect to service on or after October 12, 2024.**

(2) Municipal Legal Officers (check one):

☒ **ARE NOT** eligible to participate in the Plan.

☐ **ARE** eligible to participate in the Plan. The term "Municipal Legal Officer" shall include only the following positions **(must specify - specific positions are permissible; specific individuals may not be named):** ____.

Please specify any limitations on eligibility to participate here (e.g., service on or after certain date) **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ____.

10. ELIGIBILITY CONDITIONS

A. **<u>Hours Per Week (Regular Employees)</u>**

The Adopting Employer may specify a minimum number of work hours per week which are required to be scheduled by Regular Employees in order for them to become and remain "Eligible Regular Employees" under the Plan. **It is the responsibility of the Adopting Employer to determine whether these requirements are and continue to be satisfied**. The Employer hereby elects the following minimum hour requirement for Regular Employees:

☐ No minimum
☐ 20 hours/week (regularly scheduled)
☒ 30 hours/week (regularly scheduled)
☐ Other: __________________ (must not exceed 40 hours/week regularly scheduled)

<u>Exceptions</u>: If a different minimum hour requirement applies to a particular class or classes of Regular Employees, please specify below the classes to whom the different requirement applies and indicate the minimum hour requirement applicable to them.

Class(es) of Regular Employees to whom exception applies **(must specify - specific positions are permissible; specific individuals may not be named): <u>Employees initially employed prior to November 1, 1994.</u>**

Minimum hour requirement applicable to excepted Regular Employees:

☐ No minimum
☒ 20 hours/week (regularly scheduled)
☐ 30 hours/week (regularly scheduled)
☐ Other: __________________ (must not exceed 40 hours/week regularly scheduled)

B. **<u>Months Per Year (Regular Employees)</u>**

The Adopting Employer may specify a minimum number of work months per year which are required to be scheduled by Regular Employees in order for them to become and remain "Eligible Employees" under the Plan. **It is the responsibility of the Adopting Employer to determine whether these requirements are and continue to be satisfied**. The Employer hereby elects the following minimum requirement for Regular Employees:

☐ No minimum
☒ At least **<u>5</u>** months per year (regularly scheduled)

<u>Exceptions</u>: If different months per year requirements apply to a particular class or classes of Regular Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Regular Employees to whom exception applies **(must specify - specific positions are permissible; specific individuals may not be named)**: ___________________________________.

The months to year requirement for excepted class(es) are:

- ☐ No minimum
- ☐ At least _______ months per year (regularly scheduled)

11. WAITING PERIOD

Except as otherwise provided in Section 4.02(b) of the Basic Plan Document, Eligible Regular Employees shall not have a waiting period before participating in the Plan. Likewise, elected or appointed members of the Governing Authority and Municipal Legal Officers, if eligible to participate in the Plan, shall not have a waiting period before participating in the Plan.

12. ESTABLISHING PARTICIPATION IN THE PLAN

Participation in the Plan is considered mandatory for all Eligible Employees who satisfy the eligibility conditions specified in the Adoption Agreement, except as provided in Section 4.03(e) of the Basic Plan Document. However, the Employer may specify below that participation is optional for certain classes of Eligible Employees, including Regular Employees, elected or appointed members of the Governing Authority, Municipal Legal Officers, City Managers, and/or Department Heads. If participation is optional for an Eligible Employee, then in order to become a Participant, the Employee must make a written election to participate within 120 days after employment, election or appointment to office, or if later, the date the Employee first becomes eligible to participate in the Plan. The election is irrevocable, and the failure to make the election within the 120 day time limit shall be deemed an irrevocable election not to participate in the Plan.

Classes for whom participation is optional **(check one)**:

- ☒ None (Participation is mandatory for all Eligible Employees except as provided in Section 4.03(e) of the Basic Plan Document).
- ☐ Participation is optional for the following Eligible Employees **(must specify - specific positions are permissible; specific individuals may not be named; all positions or classes specified must be Eligible Employees)**: __________________.

13. CREDITED SERVICE

In addition to Current Credited Service the Adopting Employer may include as Credited Service the following types of service:

A. <u>Credited Past Service with Adopting Employer</u>

Credited Past Service means the number of years and complete months of Service with the Adopting Employer prior to the date an Eligible Employee becomes a Participant which are treated as credited service under the Plan.

(1) Eligible Employees Employed on Original Effective Date of GMEBS Plan. With respect to Eligible Employees who are employed by the Adopting Employer on the original Effective Date of the Employer's GMEBS Plan, Service with the Adopting Employer prior to the date the Eligible Employee becomes a Participant (including any Service prior to the Effective Date of the Plan) shall be treated as follows **(check one)**:

☒ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).

☐ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except for Service rendered prior to ______________________________ **(insert date)**.

☐ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), except as follows **(must specify other limitation in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ________.

☐ No Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).

(2) Previously Employed, Returning to Service after Original Effective Date. If an Eligible Employee is not employed on the original Effective Date of the Employer's GMEBS Plan, but returns to Service with the Adopting Employer sometime after the Effective Date, said Eligible Employee's Service prior to becoming a Participant (including any Service prior the Effective Date) shall be treated as follows **(check one)**:

☒ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), subject to any limitations imposed above with respect to Eligible Employees employed on the Effective Date.

☐ All Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service), provided that after returning to employment, the Eligible Employee performs Service equal to the period of the break in Service or one (1) year, whichever is less. Any limitations imposed above with respect to Eligible Employees employed on the Effective Date shall also apply.

☐ No Service prior to the date the Eligible Employee becomes a Participant shall be credited (as Credited Past Service).

Other limitation(s) on Recognition of Credited Past Service **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: **<u>In addition to the above limitations, Credited Past Service shall not include any tenure of office as an elected or appointed member of the Governing Authority unless the Participant was serving as an elected or appointed member of the Governing Authority of Eligible Regular Employee on April 1, 1990.</u>**

(3) Eligible Employees Initially Employed After Effective Date. If an Eligible Employee's initial employment date is after the original Effective Date of the Employer's GMEBS Plan, said Employee's Credited Past Service shall include only the number of years and complete months of Service from the Employee's initial employment date to the date the Employee becomes a Participant in the Plan.

(4) Newly Eligible Classes of Employees. If a previously ineligible class of Employees becomes eligible to participate in the Plan, the Employer must specify in an addendum to this Adoption Agreement whether and to what extent said Employees' prior service with the Employer shall be treated as Credited Past Service under the Plan.

B. <u>Prior Military Service</u>

<u>Note</u>: This Section does not concern military service required to be credited under USERRA – See Section 3.02 of the Basic Plan Document for rules on the crediting of USERRA Military Service.

(1) Credit for Prior Military Service.

The Adopting Employer may elect to treat military service rendered prior to a Participant's initial employment date or reemployment date as Credited Service under the Plan. Unless otherwise specified by the Employer under "Other Conditions" below, the term "Military Service" shall be as defined in the Basic Plan Document. Except as otherwise required by federal or state law or under "Other Conditions" below, Military Service shall not include service which is credited under any other local, state, or federal retirement or pension plan.

Military Service credited under this Section shall not include any service which is otherwise required to be credited under the Plan by federal or state law. Prior Military Service shall be treated as follows **(check one)**:

☒ Prior Military Service is **not** creditable under the Plan **(if checked, skip to Section 13.C. – Prior Governmental Service)**.

☐ Prior Military Service shall be counted as Credited Service for the following purposes (check one or more as applicable):

- ☐ Computing amount of benefits payable.
- ☐ Meeting minimum service requirements for vesting.
- ☐ Meeting minimum service requirements for benefit eligibility.

(2) Maximum Credit for Prior Military Service.

Credit for Prior Military Service shall be limited to a maximum of _____ years **(insert number)**.

(3) Rate of Accrual for Prior Military Service.

Credit for Prior Military Service shall accrue at the following rate **(check one)**:

☐ One month of military service credit for every _______ month(s) **(insert number)** of Credited Service with the Adopting Employer.

☐ One year of military service credit for every _____ year(s) **(insert number)** of Credited Service with the Adopting Employer.

☐ All military service shall be creditable (subject to any caps imposed above) after the Participant has completed _______ years **(insert number)** of Credited Service with the Employer.

☐ Other requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ________.

(4) Payment for Prior Military Service Credit (check one):

☐ Participants shall **not** be required to pay for military service credit.

☐ Participants shall be required to pay for military service credit as follows:

☐ The Participant must pay ____% of the actuarial cost of the service credit (as defined below).

☐ The Participant must pay an amount equal to **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ________________________.

Other Conditions for Award of Prior Military Service Credit **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ____.

(5) Limitations on Service Credit Purchases. Unless otherwise specified in an Addendum to the Adoption Agreement, for purposes of this Section and Section 13.C. concerning prior governmental service credit, the term "actuarial cost of service credit" is defined as set forth in the Service Credit Purchase Addendum. In the case of a service credit purchase, the Participant shall be required to comply with any rules and regulations established by the GMEBS Board of Trustees concerning said purchases.

C. Prior Governmental Service

Note: A Participant's prior service with other GMEBS employers shall be credited for purposes of satisfying the minimum service requirements for Vesting and eligibility for Retirement and pre-retirement death benefits as provided under Section 9.05 of the Basic Plan Document, relating to portability service. This Section 13(C) does not need to be completed in order for Participants to receive this portability service credit pursuant to Section 9.05 of the Basic Plan Document.

(1) Credit for Prior Governmental Service.

The Adopting Employer may elect to treat governmental service rendered prior to a Participant's initial employment date or reemployment date as creditable service under the Plan. Subject to any limitations imposed by law, the term "prior governmental service" shall be as defined by the Adopting Employer below. The Employer elects to treat prior governmental service as follows **(check one)**:

☒ Prior governmental service is **not** creditable under the Plan **(if checked, skip to Section 13.D. – Unused Sick/Vacation Leave)**.

☐ Prior governmental service shall be counted as Credited Service for the following purposes under the Plan **(check one or more as applicable)**:

- ☐ Computing amount of benefits payable.
- ☐ Meeting minimum service requirements for vesting.
- ☐ Meeting minimum service requirements for benefit eligibility.

(2) Definition of Prior Governmental Service.

Prior governmental service shall be defined as follows **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: __________.

Unless otherwise specified above, prior governmental service shall include only full-time service (minimum hour requirement same as that applicable to Eligible Regular Employees).

(3) Maximum Credit for Prior Governmental Service.

Credit for prior governmental service shall be limited to a maximum of ________ years **(insert number)**.

(4) Rate of Accrual for Prior Governmental Service Credit.

Credit for prior governmental service shall accrue at the following rate **(check one)**:

☐ One month of prior governmental service credit for every _____ month(s) **(insert number)** of Credited Service with the Adopting Employer.

☐ One year of prior governmental service credit for every _____ year(s) **(insert number)** of Credited Service with the Adopting Employer.

☐ All prior governmental service shall be creditable (subject to any caps imposed above) after the Participant has completed _____ years **(insert number)** of Credited Service with the Adopting Employer.

☐ Other requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: **_______.**

(5) Payment for Prior Governmental Service Credit.

☐ Participants shall **not** be required to pay for governmental service credit.

☐ Participants shall be required to pay for governmental service credit as follows:

- ☐ The Participant must pay ____% of the actuarial cost of the service credit.

☐ The Participant must pay an amount equal to **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ___ _____________________.

Other Conditions for Award of Prior Governmental Service Credit **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ____.

D. Leave Conversion for Unused Paid Time Off (e.g., Sick, Vacation, or Personal Leave)

(1) Credit for Unused Paid Time Off.

Subject to the limitations in Section 3.01 of the Basic Plan Document, an Adopting Employer may elect to treat accumulated days of unused paid time off for a terminated Participant, for which the Participant is not paid, as Credited Service. The only type of leave permitted to be credited under this provision is leave from a paid time off plan which qualifies as a bona fide sick and vacation leave plan (which may include sick, vacation or personal leave) and which the Participant may take as paid leave without regard to whether the leave is due to illness or incapacity. The Credited Service resulting from the conversion of unused paid time off must not be the only Credited Service applied toward the accrual of a normal retirement benefit under the Plan. The Pension Committee shall be responsible to certify to GMEBS the total amount of unused paid time off that is creditable hereunder.

Important Note: Leave cannot be converted to Credited Service in lieu of receiving a cash payment. If the Employer elects treating unused paid time off as Credited Service, the conversion to Credited Service will be automatic, and the Participant cannot request a cash payment for the unused paid time off.

The Employer elects the following treatment of unused paid time off:

☐ Unused paid time off shall **not** be treated as Credited Service **(if checked, skip to Section 14 – Retirement Eligibility)**.

☒ The following types of unused paid time off for which the Participant is not paid shall be treated as Credited Service under the Plan **(check one or more as applicable)**:

☒ Unused sick leave
☐ Unused vacation leave
☐ Unused personal leave
☐ Other paid time off **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ____.

(2) Minimum Service Requirement.

In order to receive credit for unused paid time off, a Participant must meet the following requirement at termination **(check one)**:

- ☐ The Participant must be 100% vested in a normal retirement benefit.
- ☐ The Participant must have at least _______ years **(insert number)** of Total Credited Service (not including leave otherwise creditable under this Section).
- ☒ Other **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: **The Participant must be eligible for Early, Normal or Disability Retirement benefits, and have at least 20 years of Service at Termination**.

(3) Use of Unused Paid Time Off Credit. Unused paid time off for which the Participant is not paid shall count as Credited Service for the following purposes under the Plan **(check one or more as applicable)**:

- ☒ Computing amount of benefits payable.
- ☐ Meeting minimum service requirements for vesting.
- ☐ Meeting minimum service requirements for benefit eligibility.

(4) Maximum Credit for Unused Paid Time Off.

Credit for unused paid time off for which the Participant is not paid shall be limited to a maximum of 4 months **(insert number)**.

(5) Computation of Unused Paid Time Off.

Unless otherwise specified by the Adopting Employer under "Other Conditions" below, each twenty (20) days of creditable unused paid time off shall constitute one (1) complete month of Credited Service under the Plan. Partial months shall not be credited.

(6) Other Conditions (please specify, subject to limitations in Section 3.01 of Basic Plan Document; must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): To be eligible to receive credit for unused sick leave hereunder, a Participant must Retire directly from active employment with the Employer such that the effective Retirement date is the first day of the month coinciding with or following the date of Termination. In no event will a Participant receive more than four (4) months of Credited Service for unused sick leave credited hereunder.

14. RETIREMENT ELIGIBILITY

A. Early Retirement Qualifications

Early retirement qualifications are **(check one or more as applicable)**:

- ☒ Attainment of age 55 **(insert number)**

☒ Completion of **<u>10</u>** years **(insert number)** of Total Credited Service

<u>Exceptions</u>: If different early retirement eligibility requirements apply to a particular class or classes of Eligible Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Eligible Employees to whom exception applies **(must specify - specific positions are permissible; specific individuals may not be named)**: ________________________________.

Early retirement qualifications for excepted class(es) are **(check one or more as applicable)**:

☐ Attainment of age _________ **(insert number)**

☐ Completion of _________ years **(insert number)** of Total Credited Service

B. <u>Normal Retirement Qualifications</u>

<u>Note</u>: Please complete this Section and also list "Alternative" Normal Retirement Qualifications, if any, in Section 14.C.

(1) <u>Regular Employees</u>

Normal retirement qualifications for Regular Employees are **(check one or more as applicable)**:

☒ Attainment of age **<u>65</u> (insert number)**

☒ Completion of **<u>10</u>** years **(insert number)** of Total Credited Service

☐ In-Service Distribution to Eligible Employees permitted (<u>i.e.</u>, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: ____.

<u>Exceptions</u>: If different normal retirement qualifications apply to a particular class or classes of Regular Employees, the Employer must specify below the classes to whom the different requirements apply and indicate below the requirements applicable to them.

Class(es) of Regular Employees to whom exception applies **(must specify - specific positions are permissible; specific individuals may not be named)**: **<u>Eligible Regular Employees initially employed before April 11, 1995.</u>**

Normal retirement qualifications for excepted class(es) are **(check one or more as applicable)**:

☒ Attainment of age **<u>65</u> (insert number)**

☒ Completion of **<u>5</u>** years **(insert number)** of Total Credited Service

☐ In-Service Distribution to Eligible Employees permitted (<u>i.e.</u>, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: ________________________________.

(2) <u>Elected or Appointed Members of Governing Authority</u>

Complete this Section only if elected or appointed members of the Governing Authority or Municipal Legal Officers are permitted to participate in the Plan. Normal retirement qualifications for this class are **(check one or more as applicable)**:

☒ Attainment of age **<u>62</u> (insert number)**

☒ Completion of **<u>10</u>** years **(insert number)** of Total Credited Service

☐ In-Service Distribution to Eligible Employees permitted (<u>i.e.</u>, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:____.

<u>Exceptions</u>: If different normal retirement qualifications apply to particular elected or appointed members of the Governing Authority or Municipal Legal Officers, the Employer must specify below to whom the different requirements apply and indicate below the requirements applicable to them.

Particular elected or appointed members of the Governing Authority or Municipal Legal Officers to whom exception applies **(must specify - specific positions are permissible; specific individuals may not be named)**: ____.

Normal retirement qualifications for excepted elected or appointed members of the Governing Authority or Municipal Legal Officers are **(check one or more as applicable)**:

☐ Attainment of age _________ **(insert number)**

☐ Completion of _________ years **(insert number)** of Total Credited Service

☐ In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:____.

C. Alternative Normal Retirement Qualifications

The Employer may elect to permit Participants to retire with unreduced benefits after they satisfy service and/or age requirements other than the regular normal retirement qualifications specified above. The Employer hereby adopts the following alternative normal retirement qualifications:

Alternative Normal Retirement Qualifications (check one or more, as applicable):

(1) ☐ Not applicable (the Adopting Employer does not offer alternative normal retirement benefits under the Plan).

(2) ☐ **Alternative Minimum Age & Service Qualifications (if checked, please complete one or more items below, as applicable):**

☐ Attainment of age _________ **(insert number)**

☐ Completion of _________ years **(insert number)** of Total Credited Service

☐ In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: ____.

This alternative normal retirement benefit is available to:

☐ All Participants who qualify.

☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: ______________.

A Participant **(check one)**: ☐ is required ☐ is not required to be in the service of the Employer at the time the Participant satisfies the above qualifications in order to qualify for this alternative normal retirement benefit.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ____.

(3) ☒ **Rule of <u>88</u> (insert number)**. The Participant's combined Total Credited Service and age must equal or exceed this number. Please complete additional items below:

To qualify for this alternative normal retirement benefit, the Participant **(check one or more items below, as applicable)**:

☐ Must have attained at least age ______ **(insert number)**

☒ Must not satisfy any minimum age requirement

☐ In-Service Distribution to Eligible Employees permitted (<u>i.e.</u>, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets the minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: ____.

This alternative normal retirement benefit is available to:

☐ All Participants who qualify.

☒ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: **<u>Eligible Regular Employees.</u>**

A Participant **(check one)**: ☐ is required ☒ is not required to be in the service of the Employer at the time the Participant satisfies the Rule in order to qualify for this alternative normal retirement benefit.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ____.

(4) ☐ **Alternative Minimum Service**. A Participant is eligible for an alternative normal retirement benefit if the Participant has at least ________ years **(insert number)** of Total Credited Service, regardless of the Participant's age.

☐ In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets the minimum service requirement specified immediately above and satisfies the minimum age parameters for In-Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: ____.

This alternative normal retirement benefit is available to:

☐ All Participants who qualify.

☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _______________.

A Participant **(check one)**: ☐ is required ☐ is not required to be in the service of the Employer at the time the Participant satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ____.

(5) ☐ **Other Alternative Normal Retirement Benefit**.

Must specify qualifications (in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): ________.

☐ In-Service Distribution to Eligible Employees permitted (i.e., a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-

Service Distribution described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: ______________________________.

This alternative normal retirement benefit is available to:

☐ All Participants who qualify.

☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _______________.

A Participant **(check one)**: ☐ is required ☐ is not required to be in the service of the Employer at the time the Participant satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ______________________________.

(6) ☒ **Other Alternative Normal Retirement Benefit <u>for Public Safety Employees Only</u>.**

Must specify qualifications (in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)): <u>Rule of 85 for Firefighters and Police Officers. The Participant must be a Firefighter or Police Officer (as defined in Section 2.34 or 2.51 of the Basic Plan Document, respectively), and the Participant's combined years of age and years of Total Credited Service as a Firefighter or Police Officer (disregarding any otherwise applicable cap on Total Credited Service) must equal at least eighty-five (85).</u>

☐ In-Service Distribution to Eligible Employees who are Public Safety Employees permitted (<u>i.e.</u>, a qualifying Participant may commence receiving retirement benefits while in service without first incurring a Bona Fide Separation from Service), if the Participant meets minimum age and service requirements specified immediately above and satisfies the minimum age parameters for In-Service Distribution Described in Section 6.06(a)(3) of the Basic Plan Document, subject to applicable Plan provisions concerning recalculation and offset applied at re-retirement to account for the value of benefits received prior to re-retirement. This rule shall apply to **(check one)**: ☐ all Participants ☐ only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____________.

This alternative normal retirement benefit is available to:

☐ All public safety employee Participants who qualify.

☒ Only the following public safety employee Participants **(must specify - specific positions are permissible; specific individuals may not be named): Firefighters and Police Officers (as defined in Sections 2.34 and 2.51 of the Basic Plan Document, respectively).**

A public safety employee Participant **(check one)**: ☐ is required ☒ is not required to be in the service of the Employer at the time the Participant satisfies the qualifications for this alternative normal retirement benefit.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ____.

Note: "Public safety employees" are defined under the Internal Revenue Code for this purpose as employees of a State or political subdivision of a State who provide police protection, firefighting services, or emergency medical services for any area within the jurisdiction of such State or political subdivision.

D. Disability Benefit Qualifications

Subject to the other terms and conditions of the Basic Plan Document and except as otherwise provided in an Addendum to this Adoption Agreement, disability retirement qualifications are based upon Social Security Administration award criteria or as otherwise provided under Section 2.23 of the Basic Plan Document. The Disability Retirement benefit shall commence as of the Participant's Disability Retirement Date under Section 2.24 of the Basic Plan Document.

To qualify for a disability benefit, a Participant must have the following minimum number of years of Total Credited Service **(check one)**:

☐ Not applicable (the Adopting Employer does not offer disability retirement benefits under the Plan).
☒ No minimum.
☐ _______ years **(insert number)** of Total Credited Service.

Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ________________________________.

15. RETIREMENT BENEFIT COMPUTATION

A. Maximum Total Credited Service

The number of years of Total Credited Service which may be used to calculate a benefit is **(check one or all that apply)**:

☒ not limited.

☐ limited to _________ years for all Participants.

☐ limited to ________ years for the following classes of Eligible Regular Employees:

☐ All Eligible Regular Employees.

☐ Only the following Eligible Regular Employees: ____________________.

☐ limited to _______ years as an elected or appointed member of the Governing Authority.

☐ limited to _______ years as a Municipal Legal Officer.

☐ Other **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: _______.

B. Monthly Normal Retirement Benefit Amount

(1) Regular Employee Formula

The monthly normal retirement benefit for Eligible Regular Employees shall be 1/12 of **(check and complete one or more as applicable)**:

☒ (a) **Flat Percentage Formula**. **1.5% (insert percentage)** of Final Average Earnings multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

☐ All Participants who are Regular Employees.
☒ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: **Eligible Regular Employees who Retire pursuant to the Rule of 88 or Rule of 85 but Terminate before attaining at least one of the following:**
(1) Age 58 (55 for Firefighters and Police Officers as defined in Sections 2.34 and 2.51 of the Basic Plan Document, respectively) and completion of at least 30 years of Total Credited Service; or
(2) Age 62.

☒ (b) **Alternative Flat Percentage Formula**. **2.0% (insert percentage)** of Final Average Earnings multiplied by years of Total Credited Service as an Eligible Regular Employee. This formula applies to the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: **Eligible Regular Employees other**

than those to whom the Flat Percentage Formula under Section 15(B)(l)(a) applies.

☐ (c) **Split Final Average Earnings Formula**. _____ % **(insert percentage)** of Final Average Earnings up to the amount of **Covered Compensation (see subsection (2) below for definition of Covered Compensation)**, plus ______% **(insert percentage)** of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

☐ All Participants who are Regular Employees.
☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:______.

☐ (d) **Alternative Split Final Average Earnings Formula**. _____ % **(insert percentage)** of Final Average Earnings up to the amount of **Covered Compensation (see subsection (2) below for definition of Covered Compensation)**, plus ______% **(insert percentage)** of Final Average Earnings in excess of said Covered Compensation, multiplied by years of Total Credited Service as an Eligible Regular Employee.

This formula applies to:

☐ All Participants.
☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

[Repeat above subsections as necessary for each applicable benefit formula and Participant class covered under the Plan.]

(2) Covered Compensation (complete only if Split Formula(s) is checked above):

Covered Compensation is defined as (check one or more as applicable):

☐ (a) **A.I.M.E. Covered Compensation** as defined in Section 2.18 of the Basic Plan Document. This definition of Covered Compensation shall apply to **(check one)**:

☐ All Participants who are Regular Employees.
☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: __________.

☐ (b) **Dynamic Break Point** Covered Compensation as defined in Section 2.19 of the Basic Plan Document. This definition of Covered Compensation shall apply to **(check one)**:

☐ All Participants who are Regular Employees.

☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:______.

☐ (c) **Table Break Point** Covered Compensation as defined in Section 2.20 of the Basic Plan Document. This definition of Covered Compensation shall apply to **(check one)**:

☐ All Participants who are Regular Employees.
☐ Only the following class(es) of Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: ____.

☐ (d) **Covered Compensation** shall mean a Participant's annual Earnings that do not exceed $________________ **(specify amount)**. This definition shall apply to **(check one)**:

☐ All Participants who are Regular Employees.
☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**:______.

(3) <u>Final Average Earnings</u>

Unless otherwise specified in an Addendum to the Adoption Agreement, Final Average Earnings is defined as the monthly average of Earnings paid to a Participant by the Adopting Employer for the **<u>36</u> (insert number not to exceed 60)** consecutive months of Credited Service preceding the Participant's most recent Termination in which the Participant's Earnings were the highest, multiplied by 12. Note: GMEBS has prescribed forms for calculation of Final Average Earnings that must be used for this purpose.

This definition of Final Average Earnings applies to:

☒ All Participants who are Regular Employees.
☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: ______________________________________.

[Repeat above subsection as necessary for each applicable definition and Participant class covered under the Plan.]

(4) <u>Formula for Elected or Appointed Members of the Governing Authority</u>

The monthly normal retirement benefit for members of this class shall be as follows **(check one)**:

☐ Not applicable (elected or appointed members of the Governing Authority or Municipal Legal Officers are not permitted to participate in the Plan).

☒ $**<u>150.00</u> (insert dollar amount)** per month for each year of Total Credited Service as an elected or appointed member of the Governing Authority or Municipal Legal Officer (service of at least 6 months and 1 day is treated as a year of Total Credited Service; provided, however, than an elected or appointed member of the Governing Authority or Municipal Legal Officer may accrue a maximum of one year of Total Credited Service for every 12-month period of Service as an elected or appointed member of the Governing Authority or Municipal Legal Officer).

This formula applies to:

☒ All elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate.

☐ Only the following elected or appointed members of the Governing Authority or Municipal Legal Officers eligible to participate **(must specify - specific positions are permissible; specific individuals may not be named)**: ___________________________.

[Repeat above subsection as necessary for each applicable formula for classes of elected or appointed members covered under the Plan.]

C. <u>Monthly Early Retirement Benefit Amount</u>

Check and complete one or more as applicable:

☐ (1) **Standard Early Retirement Reduction Table**. The monthly Early Retirement benefit shall be computed in the same manner as the monthly Normal Retirement benefit, but the benefit shall be reduced on an Actuarially Equivalent basis in accordance with Section 12.01 of the Basic Plan Document to account for early commencement of benefits. This provision shall apply to:

☐ All Participants.

☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

☒ (2) **Alternative Early Retirement Reduction Table**. The monthly Early Retirement benefit shall be computed in the same manner as the monthly Normal Retirement benefit, but the benefit shall be reduced to account for early commencement of benefits based on the following table. This table shall apply to:

☒ All Participants.

☐ Only the following Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: _____.

Alternative Early Retirement Reduction Table

Number of Years Before Age _65 (62 for elected or appointed members of the Governing Authority) (check as applicable)	**Percentage of Normal Retirement Benefit*** (complete as applicable)
☒ 0	1.000
☒ 1	0.950
☒ 2	0.900
☒ 3	0.850
☒ 4	0.800
☒ 5	0.750
☒ 6	0.700
☒ 7	0.650
☒ 8	0.600
☒ 9	0.550
☒ 10	0.500
☐ 11	0.___
☐ 12	0.___
☐ 13	0.___
☐ 14	0.___
☐ 15	0.___

*Interpolate for whole months

D. Monthly Late Retirement Benefit Amount (check one):

☒ (1) The monthly Late Retirement benefit shall be computed in the same manner as the Normal Retirement Benefit, based upon the Participant's Accrued Benefit as of the Participant's Late Retirement Date.

☐ (2) The monthly Late Retirement benefit shall be the greater of: (1) the monthly retirement benefit accrued as of the Participant's Normal Retirement Date, actuarially increased in accordance with the actuarial table contained in Section 12.05 of the Basic Plan Document; or (2) the monthly retirement benefit accrued as of the Participant's Late Retirement Date, without further actuarial adjustment under Section 12.06 of the Basic Plan Document.

E. Monthly Disability Benefit Amount

The amount of the monthly Disability Benefit shall be computed in the same manner as the Normal Retirement benefit, based upon the Participant's Accrued Benefit as of the Participant's Disability Retirement Date.

Minimum Disability Benefit. The Adopting Employer may set a minimum Disability Benefit. The Employer elects the following minimum Disability benefit **(check one)**:

☐ Not applicable (the Adopting Employer does not offer disability retirement benefits under the Plan).

☐ No minimum is established.

☐ No less than **(check one):** ☐ 20% ☐ 10% ☐ ____% **(if other than 20% or 10% insert percentage amount)** of the Participant's average monthly Earnings for the 12 calendar month period (excluding any period of unpaid leave of absence) immediately preceding the Participant's Termination of Employment as a result of a Disability. (Unless otherwise specified in an Addendum to the Adoption Agreement, no minimum will apply to elected or appointed members of the Governing Authority or Municipal Legal Officers.)

☒ No less than **(check one):** ☒ 66 2/3 % ☐ ______% **(if other than 66 2/3%, insert percentage amount)** of the Participant's average monthly Earnings for the 12 calendar month period (excluding any period of unpaid leave of absence) immediately preceding the Participant's Termination of Employment as a result of a Disability, less any monthly benefits paid from federal Social Security benefits as a result of disability as reported by the Employer. (Unless otherwise specified in an Addendum to the Adoption Agreement, no minimum will apply to elected or appointed members of the Governing Authority or Municipal Legal Officers.)

F. Minimum/Maximum Benefit For Elected Officials

In addition to any other limitations imposed by federal or state law, the Employer may impose a cap on the monthly benefit amount that may be received by elected or appointed members of the Governing Authority. The Employer elects **(check one)**:

☐ Not applicable (elected or appointed members of the Governing Authority do not participate in the Plan).

☒ No minimum or maximum applies.

☐ Monthly benefit for Service as an elected or appointed member of the Governing Authority may not exceed 100% of the Participant's final salary as an elected or appointed member of the Governing Authority.

☐ Other minimum or maximum **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ____.

G. Multiple Plans

In the event that the Employer maintains multiple plans, the following provisions will apply to the extent necessary to satisfy Code § 415.

16. SUSPENSION OF BENEFITS FOLLOWING BONA FIDE SEPARATION OF SERVICE; COLA

A. **<u>Re-Employment as Eligible Employee After Normal, Alternative Normal, or Early Retirement and Following Bona Fide Separation of Service (see Basic Plan Document Section 6.06(c) Regarding Re-Employment as an Ineligible Employee and Basic Plan Document Section 6.06(e) and (f) Regarding Re-Employment After Disability Retirement)</u>**

(1) Reemployment After Normal or Alternative Normal Retirement. In the event that a Retired Participant 1) is reemployed with the Employer as an Eligible Employee (as defined in the Plan) after the Participant's Normal or Alternative Normal Retirement Date and after a Bona Fide Separation from Service, or 2) is reemployed with the Employer in an Ineligible Employee class, and subsequently again becomes an Eligible Employee (as defined in the Plan) due to the addition of such class to the Plan after the Participant's Normal or Alternative Normal Retirement Date, the following rule shall apply **(check one)**:

☒ (a) The Participant's benefit shall be suspended in accordance with Section 6.06(a)(1) of the Basic Plan Document for as long as the Participant remains employed.

☐ (b) The Participant may continue to receive retirement benefits in accordance with Section 6.06(b) of the Basic Plan Document. This rule shall apply to **(check one)**: ☐ all Retired Participants ☐ only the following classes of Retired Participants **(must specify (specific positions are permissible; specific individuals may not be named) - benefits of those Retired Participants not listed shall be suspended in accordance with Section 6.06(a) of the Basic Plan Document if they return to work with the Employer)**: ____.

(2) Reemployment After Early Retirement. In the event a Participant Retires with an Early Retirement benefit after a Bona Fide Separation from Service 1) is reemployed with the Employer as an Eligible Employee before the Participant's Normal Retirement Date; or 2) is reemployed with the Employer in an Ineligible Employee class, and subsequently again becomes an Eligible Employee (as defined in the Plan) before the Participant's Normal Retirement Date due to the addition of such class to the Plan, the following rule shall apply **(check one or more as applicable)**:

(a) ☒ The Participant's Early Retirement benefit shall be suspended in accordance with Section 6.06(a)(1) of the Basic Plan Document for as long as the Participant remains employed.

This rule shall apply to **(check one)**: ☒ all Retired Participants; ☐ only the following classes of Retired Participants **(must specify - specific**

positions are permissible; specific individuals may not be named): ____.

(b) ☐ The Participant's Early Retirement benefit shall be suspended in accordance with Section 6.06(a)(1) of the Basic Plan Document. However, the Participant may begin receiving benefits after satisfying the qualifications for Normal Retirement or Alternative Normal Retirement, as applicable, and after satisfying the minimum age parameters of Section 6.06(a)(3) of the Basic Plan Document, in accordance with Section 6.06(b)(2)(B)(i) of the Basic Plan Document.

This rule shall apply to **(check one)**: ☐ all Retired Participants; ☐ only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: ____.

(c) ☐ The Participant's Early Retirement benefit shall continue in accordance with Section 6.06(b)(2)(B)(ii) of the Basic Plan Document.

This rule shall apply to **(check one)**: ☐ all Retired Participants; ☐ only the following classes of Retired Participants **(must specify - specific positions are permissible; specific individuals may not be named)**: ____.

B. <u>Cost Of Living Adjustment</u>

The Employer may elect to provide for an annual cost-of-living adjustment (COLA) in the amount of benefits being received by Retired Participants and Beneficiaries, which shall be calculated and paid in accordance with the terms of the Basic Plan Document. The Employer hereby elects the following **(check one)**:

☒ (1) No cost-of-living adjustment.

☐ (2) Variable Annual cost-of-living adjustment not to exceed ______% **(insert percentage)**.

☐ (3) Fixed annual cost-of-living adjustment equal to ______% **(insert percentage)**.

The above cost-of-living adjustment shall apply with respect to the following Participants (and their Beneficiaries) **(check one)**:

☒ All Participants (and their Beneficiaries).
☐ Participants (and their Beneficiaries) who terminate employment on or after ___________________ **(insert date)**.
☐ Other **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of**

Treasury Regulation 1.401-1(b)(1)(i)); specific positions are permissible; specific individuals may not be named): ________.

The Adjustment Date for the above cost-of-living adjustment shall be (if not specified, the Adjustment Date shall be January 1): ____.

17. TERMINATION OF EMPLOYMENT BEFORE RETIREMENT; VESTING

A. Eligible Regular Employees

Subject to the terms and conditions of the Basic Plan Document, a Participant who is an Eligible Regular Employee and whose employment is terminated for any reason other than death or retirement shall earn a vested right in the Participant's accrued retirement benefit in accordance with the following schedule **(check one):**

☐ **No vesting schedule (immediate vesting)**.

☒ **Cliff Vesting Schedule**. Benefits shall be 100% vested after the Participant has a minimum of **10** years **(insert number not to exceed 10)** of Total Credited Service. Benefits remain 0% vested until the Participant satisfies this minimum.

☐ **Graduated Vesting Schedule**. Benefits shall become vested in accordance with the following schedule **(insert percentages)**:

COMPLETED YEARS OF TOTAL CREDITED SERVICE	VESTED PERCENTAGE
1	%
2	%
3	%
4	%
5	%
6	%
7	%
8	%
9	%
10	%

Exceptions: If a vesting schedule other than that specified above applies to a special class(es) of Regular Employees, the Employer must specify the different vesting schedule below and the class(es) to whom the different vesting schedule applies.

Regular Employees to whom exception applies **(must specify - specific positions are permissible; specific individuals may not be named)**: **Eligible Regular Employees initially employed before April 11, 1995.**

Vesting Schedule for excepted class **(Must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i). Must be at least as**

favorable as one of the following schedules: (i) 15-year cliff vesting, (ii) 20-year graded vesting, or (iii) for qualified public safety employees, 20-year cliff vesting.): **Benefits shall be 100% Vested after the Participant has completed a minimum of 5 years of Total Credited Service. Benefits remain 0% Vested until the Participant satisfies this minimum**.

B. Elected or Appointed Members of the Governing Authority

Subject to the terms and conditions of the Basic Plan Document, a Participant who is an elected or appointed member of the Governing Authority or a Municipal Legal Officer shall earn a vested right in the Participant's accrued retirement benefit for Credited Service in such capacity in accordance with the following schedule **(check one)**:

☐ Not applicable (elected or appointed members of the Governing Authority are not permitted to participate in the Plan).

☐ No vesting schedule (immediate vesting).

☒ Other vesting schedule **(Must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i). Must be at least as favorable as one of the following schedules: (i) 15-year cliff vesting, (ii) 20-year graded vesting, or (iii) for qualified public safety employees, 20-year cliff vesting.)**: **Benefits shall be 100% Vested after the Participant has a minimum of 10 years of Total Credited Service as an elected or appointed member of the Governing Authority. Benefits remain 0% Vested until the Participant satisfies this minimum**.

18. PRE-RETIREMENT DEATH BENEFITS

A. In-Service Death Benefit

Subject to the terms and conditions of the Basic Plan Document, the Employer hereby elects the following in-service death benefit, to be payable in the event that an eligible Participant's employment with the Employer is terminated by reason of the Participant's death prior to Retirement **(check and complete one)**:

(1) ☒ **Auto A Death Benefit**. A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, equal to the decreased monthly retirement benefit that would have otherwise been payable to the Participant, had the Participant elected a 100% joint and survivor benefit under Section 7.03 of the Basic Plan Document. In order to be eligible for this benefit, a Participant must meet the following requirements **(check one)**:

☒ The Participant must be vested in a normal retirement benefit.

☐ The Participant must have ______ years **(insert number)** of Total Credited Service.

☐ The Participant must be eligible for Early or Normal Retirement.

☐ Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ______________________________________.

(2) ☐ **Actuarial Reserve Death Benefit**. A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, actuarially equivalent to the reserve required for the Participant's anticipated Normal Retirement benefit, provided the Participant meets the following eligibility conditions **(check one)**:

☐ The Participant shall be eligible upon satisfying the eligibility requirements of Section 8.02(c) of the Basic Plan Document.

☐ The Participant must have _____ years **(insert number)** of Total Credited Service.

☐ Other eligibility requirement **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ______________________________________.

Imputed Service. For purposes of computing the actuarial reserve death benefit, the Participant's Total Credited Service shall include **(check one)**:

☐ Total Credited Service accrued prior to the date of the Participant's death.

☐ Total Credited Service accrued prior to the date of the Participant's death, plus **(check one)**: ☐ one-half (½) ☐ ___________ **(insert other fraction)** of the Service between such date of death and what would otherwise have been the Participant's Normal Retirement Date. **(See Basic Plan Document Section 8.02(b) regarding 10-year cap on additional Credited Service.)**

Minimum In-Service Death Benefit for Vested Employees Equal to Terminated Vested Death Benefit. Unless otherwise specified under "Exceptions" below, if a Participant's employment is terminated by reason of the Participant's death prior to Retirement, and if as of the date of death the Participant is vested but does not qualify for the in-service death benefit, then the Auto A Death Benefit will be payable, provided the Auto A Death Benefit is made available to terminated vested employees under the Adoption Agreement (see "Terminated Vested Death Benefit" below).

(3) **Exceptions:** If an in-service death benefit other than that specified above applies to one or more classes of Participants, the Employer must specify below the death benefit payable, the class(es) to whom the different death benefit applies, and the eligibility conditions for said death benefit.

Alternative Death Benefit **(must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2)**

and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code Sections 401(a)(17) and 415): ____.

Participants to whom alternative death benefit applies **(must specify - specific positions are permissible; specific individuals may not be named)**: __________________________________.

Eligibility conditions for alternative death benefit **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ___________.

B. **<u>Terminated Vested Death Benefit</u>**

(1) Complete this Section only if the Employer offers a terminated vested death benefit. The Employer may elect to provide a terminated vested death benefit, to be payable in the event that a Participant who is vested dies after termination of employment but before Retirement benefits commence. Subject to the terms and conditions of the Basic Plan Document, the Employer hereby elects the following terminated vested death benefit **(check one)**:

☒ **Auto A Death Benefit**. A monthly benefit payable to the Participant's Pre-Retirement Beneficiary, equal to the decreased monthly retirement benefit that would have otherwise been payable to the Participant had the Participant elected a 100% joint and survivor benefit under Section 7.03 of the Basic Plan Document.

☐ **Accrued Retirement Benefit**. A monthly benefit payable to the Participant's Pre-Retirement Beneficiary which shall be actuarially equivalent to the Participant's Accrued Normal Retirement Benefit determined as of the date of death.

(2) <u>Exceptions</u>: If a terminated vested death benefit other than that specified above applies to one or more classes of Participants, the Employer must specify below the death benefit payable, the class(es) to whom the different death benefit applies, and the eligibility conditions for said death benefit.

Alternative Death Benefit **(must specify formula that satisfies the definite written program and definitely determinable requirements of Treasury Regulations Sections 1.401-1(a)(2) and 1.401-1(b)(1)(i) and does not violate limits applicable to governmental plans under Code Sections 401(a)(17) and 415)**: ____.

Participants to whom alternative death benefit applies **(must specify - specific positions are permissible; specific individuals may not be named)**: __________________________________.

Eligibility conditions for alternative death benefit **(must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ___________.

19. EMPLOYEE CONTRIBUTIONS

(1) Employee contributions (check one):

☒ Are not required.

☐ Are required in the amount of _____ % **(insert percentage)** of Earnings for all Participants.

☐ Are required in the amount of _____ % **(insert percentage)** of Earnings for Participants in the following classes **(must specify - specific positions are permissible; specific individuals may not be named)**: ____________________.

[Repeat above subsection as necessary if more than one contribution rate applies.]

(2) Pre-Tax Treatment of Employee Contributions. If Employee Contributions are required in Subsection (1) above, an Adopting Employer may elect to "pick up" Employee Contributions to the Plan in accordance with IRC Section 414(h). In such case, Employee Contributions shall be made on a pre-tax rather than a post-tax basis, provided the requirements of IRC Section 414(h) are met. If the Employer elects to pick up Employee Contributions, it is the Employer's responsibility to ensure that Employee Contributions are paid and reported in accordance with IRC Section 414(h). The Adopting Employer must not report picked up contributions as wages subject to federal income tax withholding.

The Employer hereby elects **(check one)**:

☐ To pick up Employee Contributions. By electing to pick up Employee Contributions, the Adopting Employer specifies that the contributions, although designated as Employee Contributions, are being paid by the Employer in lieu of Employee Contributions. The Adopting Employer confirms that the executor of this Adoption Agreement is duly authorized to take this action as required to pick up contributions. This pick-up of contributions applies prospectively, and it is evidenced by this contemporaneous written document. On and after the date of the pick-up of contributions, a Participant does not have a cash or deferred election right (within the meaning of Treasury Regulation Section 1.401(k)-1(a)(3)) with respect to the designated Employee Contributions, which includes not having the option of receiving the amounts directly instead of having them paid to the Plan.

☐ Not to pick up Employee Contributions.

(3) Interest on Employee Contributions. The Adopting Employer may elect to pay interest on any refund of Employee Contributions.

☐ Interest shall not be paid.

☐ Interest shall be paid on a refund of Employee Contributions at a rate established by GMEBS from time to time.

☐ Other rate of interest **(must specify rate in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i))**: ____.

20. MODIFICATION OF THE TERMS OF THE ADOPTION AGREEMENT

If an Adopting Employer desires to amend any of its elections contained in this Adoption Agreement (or any Addendum), the Governing Authority by official action must adopt an amendment of the Adoption Agreement (or any Addendum) or a new Adoption Agreement (or Addendum) must be adopted and forwarded to the Board for approval. The amendment of the new Adoption Agreement (or Addendum) is not effective until approved by the Board and other procedures required by the Plan have been implemented.

The Administrator will timely inform the Adopting Employer of any amendments made by the Board to the Plan.

21. TERMINATION OF THE ADOPTION AGREEMENT

This Adoption Agreement (and any Addendum) may be terminated only in accordance with the Plan. The Administrator will inform the Adopting Employer in the event the Board should decide to discontinue this pre-approved plan program.

22. EMPLOYER ADOPTION AND AUTHORIZATION FOR AMENDMENTS

Adoption. The Adopting Employer hereby adopts the terms of the Adoption Agreement and any Addendum, which is attached hereto and made a part of this ordinance. The Adoption Agreement (and, if applicable, the Addendum) sets forth the Employees to be covered by the Plan, the benefits to be provided by the Adopting Employer under the Plan, and any conditions imposed by the Adopting Employer with respect to, but not inconsistent with, the Plan. The Adopting Employer reserves the right to amend its elections under the Adoption Agreement and any Addendum, so long as the amendment is not inconsistent with the Plan or the Internal Revenue Code or other applicable law and is approved by the Board of Trustees of GMEBS. The Adopting Employer acknowledges that it may not be able to rely on the pre-approved plan opinion letter if it makes certain elections under the Adoption Agreement or the Addendum, and that the failure to properly complete the Adoption Agreement may result in a failure of the Adopting Employer's Plan to be a qualified plan.

The Adopting Employer hereby agrees to abide by the Basic Plan Document, Trust Agreement, and rules and regulations adopted by the Board of Trustees of GMEBS, as each may be amended from time to time, in all matters pertaining to the operation and administration of the Plan. It is intended that the Act creating the Board of Trustees of GMEBS, this Plan, and the rules and regulations of the Board are to be construed in harmony with each other. In the event of a conflict between the provisions of any of the foregoing, they shall govern in the following order:

(1) The Act creating the Board of Trustees of The Georgia Municipal Employees' Benefit System, O.C.G.A. Section 47-5-1 *et seq*. (a copy of which is included in the Appendix to the Basic Defined Benefit Plan Document) and any other applicable provisions of O.C.G.A. Title 47;

(2) The Basic Defined Benefit Plan Document and Trust Agreement;

(3) This Ordinance and Adoption Agreement (and any Addendum); and

(4) The rules and regulations of the Board.

In the event that any section, subsection, sentence, clause or phrase of this Plan shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect the previously existing provisions or the other section or sections, subsections, sentences, clauses or phrases of this Plan, which shall remain in full force and effect, as if the section, subsection, sentence, clause or phrase so declared or adjudicated invalid or unconstitutional were not originally a part hereof. The Governing Authority hereby declares that it would have passed the remaining parts of this Plan or retained the previously existing provisions if it had known that such part or parts hereof would be declared or adjudicated invalid or unconstitutional.

This Adoption Agreement (and any Addendum) may only be used in conjunction with Georgia Municipal Employees Benefit System Basic Defined Benefit Retirement Plan Document approved by the Internal Revenue Service under opinion letter Q705465a dated August 31, 2023. The Adopting Employer understands that failure to properly complete this Adoption Agreement (or any Addendum), or to operate and maintain the Plan and Trust in accordance with the terms of the completed Adoption Agreement (and any Addendum), Basic Plan Document and Trust, may result in disqualification of the Adopting Employer's Plan under the Internal Revenue Code. Inquiries regarding the adoption of the Plan, the meaning of Plan provisions, or the effect of the IRS opinion letter should be directed to the Administrator. The Administrator is Georgia Municipal Employees Benefit System, with its primary business offices located at: 201 Pryor Street, SW, Atlanta, Georgia, 30303. The business telephone number is: (404) 688-0472. The primary person to contact is: GMEBS Legal Counsel.

Authorization for Amendments. Effective on and after February 17, 2005, the Adopting Employer hereby authorizes the pre-approved plan provider who sponsors the Plan on behalf of GMEBS to prepare amendments to the Plan, for approval by the Board, on its behalf as provided under Revenue Procedure 2005-16, as superseded by Revenue Procedure 2015-36, Revenue Procedure 2011-49, and Announcement 2005-37. Effective January 1, 2013, Georgia Municipal Association, Inc., serves as the pre-approved plan provider for the Plan. Employer notice and signature requirements were met for the Adopting Employer before the effective date of February 17, 2005. The Adopting Employer understands that the implementing amendment reads as follows:

> On and after February 17, 2005, the Board delegates to the Provider the authority to advise and prepare amendments to the Plan, for approval by the Board, on behalf of all Adopting Employers, including those Adopting Employers who have adopted the Plan prior to the January 1, 2013, restatement of the Plan, for changes in the Code, the regulations thereunder, revenue rulings, other statements published by Internal Revenue Service, including model, sample, or

other required good faith amendments (but only if their adoption will not cause such Plan to be individually designed), and for corrections of prior approved plans. These amendments shall be applied to all Adopting Employers. Employer notice and signature requirements have been met for all Adopting Employers before the effective date of February 17, 2005. In any event, any amendment prepared by the Practitioner and approved by the Board will be provided by the Administrator to Adopting Employers.

Notwithstanding the foregoing paragraph, no amendment to the Plan shall be prepared on behalf of any Adopting Employer as of either:

- the date the Internal Revenue Service requires the Adopting Employer to file Form 5300 as an individually designed plan as a result of an amendment by the Adopting Employer to incorporate a type of Plan not allowable in a pre-approved plan as described in Revenue Procedure 2017-41; or

- as of the date the Plan is otherwise considered an individually designed plan due to the nature and extent of the amendments.

If the Adopting Employer is required to obtain a determination letter for any reason in order to maintain reliance on the opinion letter, the Provider's authority to amend the Plan on behalf of the Adopting Employer is conditioned on the Plan receiving a favorable determination letter.

The Adopting Employer further understands that, if it does not give its authorization hereunder or, in the alternative, adopt another pre-approved plan, its Plan will become an individually designed plan and will not be able to rely on the pre-approved plan opinion letter.

Reliance on Opinion Letter. As provided in Revenue Procedure 2017-41, the Adopting Employer may rely on the Plan's opinion letter, provided that the Adopting Employer's Plan is identical to the GMEBS Plan, and the Adopting Employer has not amended or made any modifications to the Plan other than to choose the options permitted under the Plan, Adoption Agreement, and any Addendum.

AN ORDINANCE (continued from page 1)

<u>Section 2</u>. Except as otherwise specifically required by law or by the terms of the Basic Plan Document or Adoption Agreement (or any Addendum), the rights and obligations under the Plan with respect to persons whose employment with the City was terminated or who vacated office with the City for any reason whatsoever prior to the effective date of this Ordinance are fixed and shall be governed by such Plan, if any, as it existed and was in effect at the time of such termination.

<u>Section 3</u>. The effective date of this Ordinance shall be August 13, 2024 **(not earlier than the first day of the current Plan Year in which the Plan is adopted, unless a retroactive corrective amendment is permitted under EPCRS, Rev. Proc. 2021-30 (or subsequent updated guidance))**.

<u>Section 4</u>. All Ordinances and parts of ordinances in conflict herewith are expressly repealed.

Approved by the Mayor and Council of the City of Newnan, Georgia this _______ day of _____________________, 20_____.

Attest: CITY OF NEWNAN, GEORGIA

________________________ ____________________________________

City Clerk **Mayor**

(SEAL)

Approved:

____

City Attorney

The terms of the foregoing Adoption Agreement are approved by the Board of Trustees of Georgia Municipal Employees Benefit System.

IN WITNESS WHEREOF, the Board of Trustees of Georgia Municipal Employees Benefit System has caused its Seal and the signatures of its duly authorized officers to be affixed this ______ day of __________________________, 20____.

Board of Trustees
Georgia Municipal Employees
Benefit System

(SEAL)

____

Secretary

GENERAL ADDENDUM TO THE
GEORGIA MUNICIPAL EMPLOYEES BENEFIT SYSTEM
DEFINED BENEFIT RETIREMENT PLAN
ADOPTION AGREEMENT

This is an Addendum to the Adoption Agreement completed by the City of Newnan, Georgia, as follows (complete one or more sections, as applicable):

***** Item (1) of Pre-approved Addendum – Not Applicable *****

(2) Discontinuance of Participation in the Plan by one or more Departments or classes of Employees (for amendment of Adoption Agreement only - see Section 9 of Adoption Agreement):

(a) <u>January 1, 2024, Plan Freeze</u>.

(i) <u>Employees Initially Employed on or after January 1, 2024, Do Not Participate in this Plan; Eligible Regular Employees Participating in DB Plan on December 31, 2023, Remain in this Plan unless Later Reemployed; Treatment of Regular Employees Who Do Not Satisfy Eligibility Requirements as of December 31, 2023</u> - Any Regular Employee who is initially employed or reemployed by the City on or after January 1, 2024, will not participate in this Plan with respect to service on or after the date of such initial employment or reemployment. However, Eligible Regular Employees who were employed with the City as of December 31, 2023, will remain in this Plan, subject to the Plan's eligibility requirements, and except as otherwise provided in subsections 2(b), 2(c) or Section 14 below concerning the effect of becoming reemployed. An Employee who was employed with the City as of December 31, 2023, but who did not satisfy the eligibility requirements (e.g., hour per week or month per year requirement) to participate in this Plan as of such date, and who, without Terminating and becoming reemployed by the City, satisfies the eligibility requirements to participate in this Plan on or after January 1, 2024, shall become a Participant in this Plan, subject to the Plan's eligibility requirements, except as otherwise provided in paragraphs 2(a)(ii), 2(a)(iii) or Section 14 below concerning the effect of becoming reemployed.

(ii) <u>Eligible Regular Employees in Service as of December 31, 2023; Effect of Later Termination & Reemployment</u> - If an Eligible Regular Employee who was employed with the City as of December 31, 2023, later Terminates employment and becomes reemployed by the City on or after January 1, 2024, said Employee will not be eligible to

participate in this Plan with respect to Service and Earnings with the City on or after said reemployment date. The Employee's eligibility for Retirement and pre-retirement death benefits and the amount of any benefits payable under this Plan with respect to the Employee's Service with the City prior to said reemployment date will be determined in accordance with the applicable terms of this Plan in effect as of the Employee's most recent Termination date preceding the date on which the Employee is first reemployed on or after January 1, 2024, and the Employee's Credited Service and Final Average Earnings with the City as of said Termination date. Portability service will be taken into account as provided under paragraph 2(a)(vii) below. Service and Earnings on or after said reemployment date will not be taken into account for any purpose under this Plan (e.g., for purposes of becoming Vested under this Plan, meeting benefit eligibility requirements, or computing the amount of benefits payable under this Plan). See also Section 14 of this Addendum regarding Frozen Plan Provisions.

(iii) <u>Former Employees Reemployed after January 1, 2024</u> - If a former Employee of the City who was not employed with the City as of December 31, 2023, is reemployed by the City on or after January 1, 2024, the Employee will not be eligible to participate in this Plan with respect to Service and Earnings with the City on or after the date on which said Employee is reemployed. The Employee's eligibility for Retirement and pre-retirement benefits and the amount of any benefits payable under this Plan, if any, with respect to the Employee's Service with the City prior to said reemployment date will be determined in accordance with the applicable terms of this Plan in effect as of the date of the Employee's most recent Termination from the City preceding the date on which said Employee is first reemployed on or after January 1, 2024, and the Employee's Credited Service and Final Average Earnings with the City as of said Termination date. Portability service will be taken into account as provided under paragraph 2(a)(vii) below. Service and Earnings with the City on or after said reemployment date will not be taken into account for any purpose under this Plan (e.g., for purposes of becoming Vested under this Plan, meeting benefit eligibility requirements, or computing the amount of benefits payable under this Plan). See also Section 14 of this Addendum regarding Frozen Plan Provisions.

(iv) <u>Elected or Appointed Members of the Governing Authority Who First Take Office on or after January 1, 2024, Do Not Participate in this Plan; Elected or Appointed Members of the Governing Authority in Office on December 31, 2023, Remain in this Plan unless They Vacate and Return to Office</u> - Elected or appointed members of the Governing Authority who initially hold office or return to office (following vacation of office) with the City on or after January 1, 2024, will not

participate in this Plan with respect to service on or after the date they first hold or return to such office, as applicable, on or after January 1, 2024. However, elected or appointed members of the Governing Authority who held such office as of December 31, 2023, will remain in this Plan, subject to the Plan's eligibility requirements, and except as otherwise provide in paragraphs 2(a)(v), 2(a)(vi) or Section 14 below concerning the effect of returning to office (following vacation of office) on or after January 1, 2024.

(v) <u>Elected or Appointed Members of the Governing Authority in Service as of December 31, 2023; Effect of Later Vacation & Return to Office</u> - If an elected or appointed member of the Governing Authority who was in such position as of December 31, 2023, later vacates office and subsequently returns to an elected office or appointed office of the Governing Authority on or after January 1, 2024, said elected or appointed member of the Governing Authority will not be eligible to participate in this Plan with respect to service with the City on or after the date of said return to office. The elected or appointed member of the Governing Authority's eligibility for Retirement and pre-retirement death benefits and the amount of any benefits payable under this Plan with respect to Service with the City prior to said return to office will be determined in accordance with the applicable terms of this Plan in effect as of his or her most recent vacation of office preceding the date on which he or she first returns to office on or after January 1, 2024, and the elected or appointed member of the Governing Authority's Credited Service with the City as of the date of said vacation of office. Portability service will be taken into account as provided under subsection 2(a)(vii) below. Service on or after said date of return to office will not be taken into account for any purpose under this Plan (e.g., for purposes of becoming Vested under this Plan, meeting benefit eligibility requirements, or computing the amount of benefits payable under this Plan). See also Section 14 of this Addendum regarding Frozen Plan Provisions.

(vi) <u>Former Elected or Appointed Members of the Governing Authority Who Return to Office after January 1, 2024</u> - Former elected or appointed members of the Governing Authority who were not in office with the City as of December 31, 2023, but return to office with the City on or after January 1, 2024, will not be eligible to participate in this Plan with respect to service with the City on or after the date of such return to office. Such an elected or appointed member of the Governing Authority's eligibility for Retirement and pre-retirement benefits and the amount of any benefits payable under this Plan, if any, with respect to Service with the City prior to returning to office will be determined in accordance with the applicable terms of this Plan in effect as of the date of the elected or appointed member of the Governing Authority's

most recent vacation of office preceding the date on which he or she first returns to office on or after January 1, 2024, and the Employee's Credited Service with the City as of the date of said vacation of office. Portability service will be taken into account as provided under paragraph 2(a)(vii) below. Service with the City on or after the date of said return to office will not be taken into account for any purpose under this Plan (e.g., for purposes of becoming Vested under this Plan, meeting benefit eligibility requirements, or computing the amount of benefits payable under this Plan). See also Section 14 of this Addendum regarding Frozen Plan Provisions.

(vii) GMEBS Portability Service - Credited Service under the defined benefit retirement plans of other GMEBS Retirement Fund member employers (portability service) will continue to be taken into account under this Plan in accordance with the GMEBS Basic Plan Document (solely for purposes of determining Vested status and eligibility for Retirement benefits under this Plan) with respect to the following Participants: (A) Eligible Regular Employees and elected or appointed members of the Governing Authority who were in Service with the City as of December 31, 2023; and (B) former Eligible Regular Employees and elected or appointed members of the Governing Authority not in Service with the City as of December 31, 2023, who previously participated in this Plan, provided the Participants described in this subsection 2(g)(1)-(2) do not become reemployed by or return to office (following vacation of office) with the City on or after January 1, 2024. If a Participant described in subparagraphs 2(a)(vii)(A)-(B) herein becomes reemployed or returns to office with the City on or after January 1, 2024, any portability service on or after said reemployment date will not be taken into account for any purpose under this Plan, notwithstanding any provision of the Basic Plan Document to the contrary. Likewise, if a Participant described in subparagraph (2)(b)(i)(A) below elects, pursuant to subparagraph 2(b) below, to participate in the DC Plan and not in this Plan with respect to service on or after October 12, 2024, any portability service on or after October 12, 2024, will not be taken into account for any purpose under this Plan, notwithstanding any provision of the Basic Plan Document to the contrary.

(b) Employee Election: DB-DC Plan Election by Non-Vested Eligible Regular Employees and Non-Vested Elected or Appointed Members of the Governing Authority Participating in the Plan as of August 13, 2024, Who Will Not Become Vested before October 12, 2024.

(i) Participants in Service on August 13, 2024, Required to Make Election - Non-vested Eligible Regular Employees and non-vested elected or appointed members of the Governing Authority who are active Participants in this Plan as of August 13, 2024, and will not become

Vested in the Plan before October 12, 2024, have a one-time opportunity to irrevocably elect, in accordance with and subject to the provisions of this subsection 2(b) and on forms provided for such purpose, to either: (A) continue participating in this Plan ("DB Plan"), subject to this Plan's eligibility rules; or (B) cease participating in this Plan, effective October 12, 2024, in favor of participation under the City of Newnan 401(a) Defined Contribution Plan ("DC Plan"), subject to the eligibility requirements of the DC Plan, with respect to service with the City on or after October 12, 2024. Non-vested Participants who are on a leave of absence will be subject to the same Plan election requirements as other non-vested Participants. Vested Participants and Terminated Participants cannot make a Plan election. In the event a non-vested Participant makes an election and Terminates, by death or otherwise, before October 12, 2024, the Participant's actual election will be null and void and the Participant will be deemed to have elected to remain in the DB Plan. Likewise, in the event a Participant makes an election and becomes Vested (or is later determined to have become Vested) before October 12, 2024, the Participant's actual election will be null and void and the Participant will remain in the DB Plan. However, if a non-vested Participant who is in Service on August 13, 2024, Terminates employment or vacates office and returns to Service after August 13, 2024, but before October 12, 2024, said Participant shall not have the opportunity to make an election pursuant to this subsection 2(b) and shall participate in the DC Plan following such return to Service, subject to the eligibility requirements of the DC Plan. See effect of returning to Service on or after January 1, 2024, in paragraphs 2(a)(ii), 2(a)(iii), 2(a)(v) and 2(a)(vi) above.

(ii) Window Period for Election; August 14, 2024 – October 11, 2024 – Participants who are eligible to make a one-time plan election under subsection 2(a)(i) above must make their election by completing, signing and submitting a form provided by the City for such purpose to the City's Pension Committee Secretary between 9 a.m., Wednesday, August 14, 2024, and 4:00 p.m., Friday, October 11, 2024. Participants may not change or revoke their election after completing, signing, and submitting their plan election form to the Pension Committee Secretary. The City is solely responsible for distributing plan election notices and forms to Participants, collecting plan election forms from Participants, determining the election made by each Participant (affirmatively or by default), notifying GMEBS of said election, and providing copies of election forms received from Participants to GMEBS for purposes of administering this Plan.

(iii) Effect of Irrevocable Election to Participate in the DB Plan with Respect to Service on or after October 12, 2024; Default DB Plan Election; Effect of Reemployment – If a Participant irrevocably elects

in accordance with this subsection 2(b) to continue participating in the DB Plan, such Participant will participate in this Plan (and not in the DC Plan), subject to this Plan's eligibility requirements, with respect to Service with the City on or after October 12, 2024. If a Participant described in paragraph 2(b)(i) above fails or refuses to complete, sign, and submit an election form to the Pension Committee Secretary within the election period designated in paragraph 2(b)(ii) above, the Participant will be deemed to have irrevocably elected to continue participating in this Plan and not in the DC Plan with respect to Service on or after October 12, 2024, subject to the applicable terms and conditions of this Plan. Notwithstanding the foregoing, if a Participant who elects (affirmatively or by default) to continue participating in this Plan with respect to Service on or after October 12, 2024, Terminates employment (or vacates office) and later returns to Service with the City, such Participant will be required to participate in the City's DC Plan, and not in this Plan, following such return to Service, subject to the eligibility requirements of the DC Plan (see paragraph 2(a)(i) above regarding effect of returning to Service on or after January 1, 2024).

(iv) Effect of Irrevocable Election to Participate in DC Plan with Respect to Service on or after October 12, 2024 – If a Participant described in paragraph 2(b)(i) above irrevocably elects in accordance with this subsection 2(b) to participate in the DC Plan (instead of the DB Plan), such Participant will not participate in the DB Plan for any purpose with respect to service on or after October 12, 2024. Such Participant will not accrue Credited Service under the Plan for any purpose on or after October 12, 2024, and will not have the opportunity thereafter to become Vested under this Plan. Further, such Participant (or such Participant's beneficiary, heirs, assigns or estate, as applicable) will not be entitled to receive benefits or payments of any kind (Retirement benefits, disability benefits, or death benefits) from this Plan, in its current form or as amended, whether said benefits are based on past, present, or future service with the City and regardless of whether such benefits would otherwise be accrued under this Plan.

*** Items (3) through (13) of Pre-approved Addendum – Not Applicable ***

(14) Frozen Plan Provisions (for amendment of Adoption Agreement only – see Section 9 of Adoption Agreement regarding Classes of Eligible Employees):

☒ **(a) Plan Freeze - The Plan is "frozen" effective as of January 1, 2024 (specify date). The Plan shall be subject to all provisions of the Adoption Agreement and Basic Plan Document, except as otherwise provided herein, and the Employer shall continue to maintain the**

Plan's qualified status. The Plan shall be frozen, as follows (check as applicable):

☒ **(i)** **The Plan shall be frozen with respect to the following class(es) of Eligible Employees (one or more as applicable): ☐ all Participants; ☐ all Eligible Regular Employees; ☐ Members of the Governing Authority; ☐ Municipal Legal Officers; ☒ other (must specify): <u>All Eligible Regular Employees initially employed or reemployed on or after January 1, 2024, and all elected or appointed members of the Governing Authority initially taking office or returning to office (following vacation of office) on or after January 1, 2024</u>.**

☐ **(ii)** **Active Participants in the affected class(es) of Eligible Employees as of the freeze effective date shall be vested in their normal retirement benefits accrued as of the effective date of the freeze to the extent funded notwithstanding any provision of the Adoption Agreement to the contrary.**

☒ **(iii)** **Employees who are (check all that apply): ☐ employed by the Employer or in office as of _________ (specify date), ☒ first employed on or after <u>January 1, 2024</u> (specify date), ☒ first take office on or after <u>January 1, 2024</u> (specify date), ☒ reemployed on or after <u>January 1, 2024</u> (specify date), ☒ return to office (following a vacation of office) on or after <u>January 1, 2024</u> (specify date), shall not be eligible to participate in the Plan on or after <u>the date of such initial employment or reemployment on or after January 1, 2024, or the date they initially take office or return to office (following vacation of office) on or after January 1, 2024, as applicable</u> (specify date).**

☒ **(iv)** **With respect to Employees designated in paragraph (iii) above, earnings on or after <u>the date of such initial employment or reemployment on or after January 1, 2024</u> (specify date) shall not be taken into account for purposes of the Plan.**

☒ **(v)** **The Employees designated in paragraph (iii) above shall not be credited with Service for the Employer on or after <u>the date of such initial employment or reemployment on or after January 1, 2024, or the date they initially take office or return to office (following vacation of office) on or after January 1, 2024, as applicable</u> (specify date) for purposes of (check all that apply): ☒ computing the amount of benefits payable; ☒ meeting minimum service requirements for participation and vesting; ☒ meeting minimum service requirements for benefit eligibility under the Plan.**

☒ **(vi)** **The following additional provisions shall apply as a result of the freeze (must specify): <u>See General Addendum Section 2</u>.**

☐ **(b)** **<u>Restoration Following Plan Freeze</u> - The Plan has been "frozen" since ____________ (specify freeze date). Effective ____________ (specify date), the Plan shall be reactivated in accordance with and subject to the following provisions (check as applicable):**

☐ **(i)** **The Plan shall cease to be frozen with respect to the following class(es) of Eligible Employees (one or more as applicable): ☐ all Participants; ☐ all Eligible Regular Employees; ☐ Members of the Governing Authority; ☐ Municipal Legal Officers; ☐ other (must specify): ____.**

☐ **(ii)** **Employees (check all that apply): ☐ employed by the Employer and/or in office as of _________ (specify date), ☐ first employed on or after __________ (specify date), ☐ first took office on or after ____________ (specify date), ☐ reemployed on or after __________ (specify date), ☐ returned to office (following a vacation of office) on or after _________________ (specify date), shall be eligible to commence or re-commence participation in the Plan (as applicable) with respect to Service on or after __________ (specify date), provided they otherwise meet the eligibility requirements for participation under the Plan.**

☐ **(iii)** **With respect to the Employees designated in paragraph (ii) above, Earnings on or after ___________ (specify date) shall be taken into account for purposes of the Plan.**

☐ **(iv)** **The Employees designated in paragraph (ii) above shall receive credit for Service for the Employer on or after ____________ (specify date) for purposes of (check all that apply): ☐ computing the amount of benefits payable; ☐ meeting minimum service requirements for participation and vesting; ☐ meeting minimum service requirements for benefit eligibility under the Plan, provided the Employee met the minimum hour requirement and other eligibility requirements for recognition of Credited Service under the Plan.**

☐ **(v)** **Former Employees who are reemployed and/or return to office as Eligible Employees after_______(specify date) will receive credit for Service with the Employer on or after____________ (specify date) for purposes of (check all that apply): ☐ computing the amount of benefits payable; ☐ meeting minimum service requirements for participation and vesting;**

☐ **meeting minimum service requirements for benefit eligibility under the Plan, provided the Employee meets the minimum hour requirement and other eligibility requirements for recognition of Credited Service with respect to said period under the Plan, and provided the Employee satisfies any applicable Plan requirements with respect to the Employee's break in Service.**

☐ **(vi) The following additional provisions shall apply as a result of restoration following the freeze (must specify): ____________.**

***** Item (15) of Pre-approved Addendum – Not Applicable *****

(16) <u>Other</u> (May include, but shall not be limited to, provisions relating to Basic Plan Document Sections 6.03, 6.06, 8.04, 8.06, 8.08, 8.09, 8.10, 8.12, 9.01, and 9.02) (Must specify in a manner that satisfies the definite written program requirement of Treasury Regulation 1.401-1(a)(2) and the definitely determinable requirement of Treasury Regulation 1.401-1(b)(1)(i)):

(a) <u>Break-in-Service Rule Not Applicable</u> – Notwithstanding the provisions of Basic Plan Document Section 4.06, in determining a Participant's Total Credited Service for purposes of Vesting, all individual periods of Service with the City which are otherwise creditable hereunder shall be aggregated together, regardless of any breaks in Service (due to Termination of employment). In no event, however, will any period of unemployment or employment as an ineligible employee be taken into account in determining the amount of any benefit payable under the Plan.

The terms of the foregoing Addendum to the Adoption Agreement are approved by the City Council and Mayor of the City of Newnan, Georgia, this ________ day of _____________, 20____.

Attest: **CITY OF NEWNAN, GEORGIA**

_________________________ **____________________________________**

City Clerk **Mayor**

(SEAL)

Approved:

____

City Attorney

The terms of the foregoing Addendum are approved by the Board of Trustees of the Georgia Municipal Employees Benefit System.

IN WITNESS WHEREOF, the Board of Trustees of the Georgia Municipal Employees Benefit System has caused its Seal and the signatures of its duly authorized officers to be affixed this ______ day of ___________________________, 20____.

Board of Trustees
Georgia Municipal Employees
Benefit System

(SEAL)

____

Secretary

Motion to Enter into Executive Session

I move that we now enter into closed session as allowed by O.C.G.A. §50-14-4 and pursuant to advice by the City Attorney, for the purpose of discussing

____

And that we, in open session, adopt a resolution authorizing and directing the Mayor or presiding officer to execute an affidavit in compliance with O.C.G.A. §50-14-4, and that this body ratify the actions of the Council taken in closed session and confirm that the subject matters of the closed session were within exceptions permitted by the open meetings law.

Motion to Adopt Resolution after Adjourning Back into Regular Session

I move that we adopt the resolution authorizing the Mayor to execute the affidavit stating that the subject matter of the closed portion of the council meeting was within the exceptions provided by O.C.G.A. §50-14-4(b).